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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the Covenant, concerning rights covered by articles 10 to 12, in accordance with the second stage of the programme established by Economic and Social Council resolution 1988 (LX)

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: DEPENDENT TERRITORIES*

[23 September 1993]

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* The present document constitutes the report of the United Kingdom of Great Britain and Northern Ireland, dealing with the Dependent Territories, in respect of articles 10 to 12 of the Covenant. In its note dated 23 September 1993 transmitting the present report, the Permanent Mission of the United Kingdom to the United Nations Office at Geneva informed the Secretariat that the reports of the Isle of Man and Guernsey were under preparation and would be submitted in the shortest delay possible.

The initial report submitted by the Government of the United Kingdom of Great Britain and Northern Ireland with respect to the Dependent Territories on rights covered by articles 10 to 12 of the Covenant (E/1980/6/Add.25 and Corr.1 and Add.26) was considered by the Sessional Working Group of Governmental Experts at its 1981 session (see E/1981/WG.1/SR.16-17).

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Introduction

1. This report is submitted by the United Kingdom as an addendum to its second periodic report on articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights (E/1986/4/Add.23). The present report relates to the United Kingdom's Dependent Territories overseas to which the Covenant also applies, that is to say, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, St. Helena and the Turks and Caicos Islands.

2. The detailed position in relation to each of the above-named Territories is set out separately in the various sections of the present report. The position described is as ascertained when the supporting material was assembled in the respective Territories. In most cases this process was completed in 1992 but in some contexts the position has had to be described as it stood in late 1991 or, in a few cases, earlier. The United Kingdom regrets the delay that there has had to be in the assembling and compilation of the material and the submission of this report.

3. Each of the sections of this report up-dates or supplements, as appropriate, the account given in the corresponding section of the United Kingdom's first periodic report in respect of those Territories (E/1980/6/Add.25), to which the Committee is accordingly referred. In relation to all of the Territories the Committee is particularly referred to paragraphs 3 to 8 of that first periodic report. Those paragraphs, which made certain general observations concerning the legal systems and other relevant circumstances of the various Territories and concerning the form and content of the corresponding annexes, are also applicable in relation to the present report.

4. The Committee is also specifically referred to the United Kingdom's second periodic report on articles 13 to 15 of the Covenant in respect of the above-named Territories, which is being submitted to the Committee at the same time as the present report. The information given for each Territory in the relevant section of the present report should be read in conjunction with, and in the light of, the information given for that Territory in the corresponding section of the report on articles 13 to 15.

5. The Committee is further specifically referred to the latest reports submitted in respect of the above-named Territories under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/58/Add.6, Part III) and under Article 73e of the Charter of the United Nations.

6. Because of the disproportionate bulk of the large number of laws and other instruments and reference documents that are mentioned at various points in the 10 separate sections of this report, it is not practicable for copies of all of them to be enclosed with the report. Where a copy of a particular document is so enclosed, this is expressly stated in the relevant section. But a set of copies of all the other instruments or documents that are cited is being assembled and will be forwarded to the secretariat so that they may be consulted as required.

I. BERMUDA

General

7. Bermuda has a population of 58,080 (1987 estimate) and an area of approximately 53.3 sq. km.

8. Bermuda enjoys a wide measure of internal self-government under an elected legislature and Ministers. The right of self-determination is guaranteed by the policy of successive United Kingdom Governments, subject to the wishes of the population of Bermuda.

Article 10

Protection of the family

9. Relevant legislation includes the Protection of Children Act 1943, as amended; the Social Welfare Act 1971; the Adoption of Children Act 1963; the Employment of Children and Young Persons Act 1963; the Foster Homes Act 1960; the Obscene Publications Act 1973; and the Affiliation Act 1976 (formerly the Illegitimate Children's Act).

10. Provision is made under the legislation, and services are provided, to protect children from abuse or neglect or impending neglect. Individual, family and marriage counselling services are also provided. Assistance is given over adoption, custody and foster care of children.

11. In addition to a private day care centre, there is a day care centre operated by the Government which caters for children from the area who require low cost or specialized day care attention. This facility, which has trained staff and is well equipped, can accommodate up to 50 children between the ages of three months and four years. It admits children who fall into one of the following categories: children of working mothers; children of students; children of chronically ill mothers or mothers particularly in need of relief; children who need specialized experience; and children of one-parent families or of low-income families.

12. The Physical Abuse Centre offers counselling and protection to women and children who have been victims of abuse.

13. The Rape Crisis Centre also provides protection to women and children by its efforts to educate and increase public awareness about sexual assault. This programme is supported by a grant from the Ministry of Health, Social Services and Housing.

14. Various kinds of assistance with housing for Bermudian families is provided by the Bermuda Housing Corporation (see also under art. 11 below).

Maternity protection

15. Antenatal and postnatal care is offered by the Department of Health to ensure so far as possible that the mother maintains good health, develops adequate skills as a parent, has a normal delivery and delivers a healthy child.

16. Maternity benefits are included as part of standard hospital insurance benefits. In the case of eligible government employees, the cost of hospitalization is paid for in full and the sum of $600 is paid towards doctors' fees.

Protection of children and younger persons

17. The Child Development Project began in 1978 as a pilot project through the collaboration of the Ministries of Health and Social Services and Education. At that time, it was recognized that some children in Bermuda were not receiving the kind of care and management that promoted the development necessary to prepare them to become contributing members of a society in which technical competence and social responsibility are both important. The objective was to prevent or minimize developmental problems and to reduce the possible harmful effects of environmental deprivation on some preschool children in Bermuda. Initially a pilot scheme was started in one parish, but now, more than 10 years later, the project is offered island-wide.

18. The first stage of the project involves identifying all families in Bermuda with children under two years of age providing them with information about the project and inviting them to participate in its services. As many families as possible are enrolled. Screening and assessment follow. This process identifies the specific needs, and services are offered to meet those needs.

19. The programmes offered are extensive, including programmes for children with overall delay in development, language delay or behaviour management problems. Some parents and children are offered the experience of group activities at the Project Centre. A toy library and a parent library are available to families. Parents are invited to parent discussion groups held throughout the year. Booklets on child development and newsletters are sent regularly to participating households.

20. The project is headed by a coordinator with a staff of two family coordinators, three child development specialist supervisors, three home intervention workers, two development testers and six toy demonstrators. It has been seeking to add a psychologist to its staff. During the year 1989 a total of 578 children received screening.

21. The project has received international recognition as an outstanding model for the early identification and prevention of health, education and welfare problems. UNESCO is among donors from abroad of research grants to it.

22. There are four residential care centres operated and financed by the Government through the Department of Social Services to meet the needs of those who for various reasons are unable to live with their own families. Three of these centres are concerned with the care of young people. They are Observatory Cottage, the Brangman Home and the Youth Development Centre. Observatory Cottage is a centre for boys between the ages of 8 and 17 who cannot be cared for in their own or foster homes. In addition to the provision of accommodation and basic living requirements, its programme includes regular attendance at school, recreation and counselling. There are about five boys in residence at any given time. The Brangman Home provides similar care for any child from birth to 17 years of age. The Home can accommodate up to 10 children and follows a programme similar to that of Observatory Cottage. The Youth Development Centre was opened in 1986 to accommodate those boys previously resident at Paget Island Junior Training School as a result of court orders. It was later expanded to include girls in this category and can house up to 12 children between the ages of 8 and 17.

23. The Adolescent Project is a community-based early intervention programme which uses volunteers to provide a one-on-one service for a period of 18 weeks to youths and their families. The project became operational in 1985.

Article 11

24. Under the provisions of the Parish Assistance Act 1968, social assistance is available to any individual who does not have enough income to cover basic needs (which have been defined as food, shelter, clothing, fuel, utilities, household supplies and personal requirements; funerals and burials; and health care services). Six social assistance workers provide assessments of eligibility and make recommendations concerning payment. Payments, where granted, are made through the parish councils.

Right to adequate food

25. The Department of Agriculture and Fisheries carries out a variety of programmes, including programmes of research and assistance to the farming and fishing industries. These include, in the case of farming, an artificial breeding programme for cattle, which aims to improve the quality of dairy herds, and a plant protection programme. In the case of fishing, they include programmes for the management of the industry, for research and for conservation.

26. For the benefit of farmers, the Government, through the Department, operates a wholesale marketing centre for the purchase and resale of local produce. In Bermuda agriculture is practised in smallholdings and growers normally sell their produce direct to the consumer, although they can take advantage of the marketing centre if they wish. Most local fishermen process and sell their own catch, in the absence of a local fish market.

Right to housing

27. The Bermuda Housing Corporation, which was established by law in 1973, is charged with the responsibility of ensuring that Bermudians have affordable shelter. This is accomplished by providing low-income housing and funds for home owners to improve or redevelop properties and by subsidizing rents for some tenants.

Article 12

28. Major enactments relevant to the right to physical and mental health are the Public Health Act 1949 and the Mental Health Act 1968.

29. Many of the services provided by the Department of Health are for the benefit of the family, the mother and the children - for example, child health clinics, family planning clinics, clinics for sexually transmitted diseases, district nursing services, antenatal and postnatal clinics, immunization programmes, the school health service and mothercraft classes. In-patient and out-patient psychiatric services are provided by St. Brendan's Hospital. A major programme of hospital building and renovation is at present in progress.

30. The Environmental Health Section of the Department of Health is responsible for a variety of services that affect the general health of the public. Food safety, water control, pest control, recreational sanitation and the licensing of establishments which offer health-related services all come within its jurisdiction. In addition, inspections are carried out on cruise ships and yachts and at the airport to prevent the international spread of disease. In recent years, with the introduction of the Health and Safety at Work Act, the Environmental Health Section has included among its services the removal, control and disposal of asbestos hazards and the testing of microwave ovens.

II. BRITISH VIRGIN ISLANDS

General

31. The British Virgin Islands have a population of 14,500 (1991 estimate) and an area of approximately 152.8 sq. km.

32. The British Virgin Islands continue to enjoy a very large measure of internal self-government under the Virgin Islands Constitution Order 1976.

Article 10

33. The Family Planning and Family Life Education Office, established in 1980, aims to help individuals and families to achieve an adequate standard of living by assisting them to deal more effectively with domestic problems. Services include counselling, training for parenthood and education in family life. A mental health programme has also been developed for the identification and treatment of mentally disabled people which seeks to ensure that problems are responded to at an early stage. There is an active Family Planning Association.

Maternity protection

34. Under the Labour Code Ordinance 1975 (section C16 (iii)) there is provision for the protection of working women against unfair dismissal because of pregnancy. No distinction is made on the basis of marital status in the granting of maternity leave to women. There is no case known where these rights have been violated.

35. Clinics have been established within the Public Health Department to provide for the antenatal and postnatal needs of mothers, irrespective of marital status. No charge is made to women who attend these clinics.

36. Prior to the enactment of the Labour Code Ordinance 1975 there was no special protection for working mothers. It was customary, following practices in the Civil Service of the British Virgin Islands, for employers to allow a reasonable period of time off work - some with pay - for maternity requirements.

37. If a mother experiences financial difficulty as a result of the loss of the family bread-winner, the Government, through its Public Assistance Programme, will assist. The Social Security Ordinance 1979 also provides for the payment of maternity grants.

Protection of children and young persons

38. The Juvenile Act contains provisions for the protection of children and young persons from abuse or neglect and for the imposition of sanctions on offenders.

39. The Magistrate's Code of Procedure Act imposes a duty on a father, legal or putative, to provide maintenance for his child and its mother.

40. The Matrimonial Causes Act empowers the court, in divorce proceedings before it, to take steps for the protection of the welfare of children up to the age of 16. The court is also empowered to make provision for the custody, maintenance and education of the children.

41. The Adoption of Children Act regulates the adoption of children.

42. Division E of the Labour Code Ordinance 1975 prohibits the employment of a child (defined as anyone under the age of 14 years) in public, private, agricultural or industrial undertakings, except where only members of the same family are employed. Young persons under the age of 18 are to be employed only after a thorough medical examination. The hours of work are restricted and night work is prohibited, save in exceptional circumstances.

43. The Education Ordinance provides for compulsory education for children aged from 5 to 15 years. A child may not, without the written permission of the Minister of Education, be admitted to a secondary school before he has reached the age of 11 years. Nor may a pupil, without the written permission of the Minister, be retained in a primary school after reaching the age of 15 years. Nor is a pupil to be retained in a secondary school after the end of the school year in which he reaches the age of 19 years.

44. Primary and secondary education is free irrespective of age.

45. The Fort Charlotte School for mentally or physically disabled children is now well established.

Article 11

46. Generally speaking, British Virgin Islanders enjoy a relatively high standard of living. There are no laws dealing specifically with this matter, although there is a statement in the Labour Code Ordinance 1975 that "The employment conditions of each worker should be those which, at least, will enable him to provide himself and his family with the amenities of life to which all human beings are entitled". There is also a final statement that "The increase in production and in purchasing power which will result from the application of the above principles will benefit the workers, the employers, the consumers, and finally will advance the overall socio-economic level of the Virgin Islands".

47. Gross domestic product per caput was $9,762 for 1989 and is estimated at $10,415 for 1990.

48. Recent legislation, such as the Fisheries Ordinance and the Proclamation establishing a fisheries zone, has provided further protection for the interests of British Virgin Islanders and has fostered improvement in socio-economic conditions.

Right to adequate food

49. Although efforts are being made to revive the agricultural sector, production remains marginal and satisfies only part of domestic requirements. The Agriculture Department established in 1980 a Fisheries Division to emphasize the importance of the marine environment.

50. Knowledge of nutritional levels is disseminated through the medium of the schools and the Public Health Department. The nutritional status of the population of the British Virgin Islands is satisfactory; there is no evidence of malnutrition.

Right to adequate clothing

51. The climate of the British Virgin Islands allows people to be comfortable in fewer rather than more articles of clothing. With temperatures ranging between 24° C and 36° C throughout the year, there is no need for legislation on this subject.

52. There are no production centres for clothing in the British Virgin Islands.

Right to housing

53. Because of the relatively high standard of living in the British Virgin Islands, there is no major problem with housing. Most people own their own homes, which are of high standards and made to conform to regulations set by the Government's Building Authority. Houses are mostly of sturdy concrete structure and more often than not are fitted with independent water supply from cisterns.

54. There are no government housing projects. In recent times, however, the Government has taken an active role by subdividing major Crown landholdings into house plots for sale. In addition, the Development Bank of the Virgin Islands, a government-owned facility catering largely to low-income and middle-income earners, has under way, in conjunction with the Social Security Board, a housing finance scheme which is geared towards young first-home owners. But because of the fairly equitable distribution of wealth in the Islands, the Development Bank's scheme is to be seen not as a special source of help to aspiring new home owners but rather as an alternative source to the commercial banks' regular mortgage financing.

55. An emerging problem is a housing shortage and, consequently, some overcrowding, caused by continuing large-scale immigration and a relatively high immigrant population. While this problem is not as yet very acute, it is one which the Government must keep carefully under review. Relevant data gathered in the recent census will be closely analysed as a guide to future policy.

56. The following statistics, showing dwelling units by type in the Islands, are derived from the 1980 and 1991 censuses:

	1980	1991
Separate house	1 956	3 592
Flat/apartment	1 063	1 950
Part of commercial building	120	241
Other dwellings	138	254
Total:	3 287	6 037

Article 12

57. Until 1985 the Female Lunatics (Protection) Act and the Lunacy and Mental Treatment Ordinance regulated the treatment and care of mentally ill people. In late 1985 these enactments were superseded by a comprehensive Mental Health Ordinance, which provides for additional services not contemplated in the earlier legislation. The Public Hospital Ordinance deals with the admission of patients to hospital.

58. The establishment of antenatal and postnatal clinics within the Public Health Department (see para. 35 above) is intended to ensure the minimum of stillbirths and infant mortality. Statistics for the past five years are as follows:

Year	Live births	Neonatal deaths	Deaths - children ages 1-5	Maternal deaths	Stillbirths
1986	200	4	5	-	2
1987	263	5	1	1	6
1988	235	2	-	-	4
1989	239	3	1	-	5
1990	288	1	-	-	7

59. Attendance at the Child Health Clinic is good. Children are medically examined on entry into primary school, on entry into secondary school and before leaving secondary school as a measure for ensuring good health.

60. The Public Health Ordinance 1976 ensures that certain standards for food hygiene, animal health and refuse collection are maintained in order to prevent the spread of infectious diseases.

61. Regular health clinics adequately serve the needs of those who live in town, as well as of those who live in rural areas.

62. In the main, finance for medical services is provided by the Government. The following figures are relevant:

Government expenditure on public health

Year	Recurrent expenditure
1986	$2 286 575
1987	$3 287 167
1988	$3 497 200
1989	$4 493 853
1990	$4 503 926

63. There is one public hospital located in Tortola, with 50 beds. There are 10 government-employed doctors: an obstetrician/gynaecologist, an ophthalmologist, an internist/gastroenterologist, a surgeon, an anaesthetist, a dental surgeon and four general practitioners. A government-managed home for elderly people currently provides for 29 residents.

64. There is also a small private hospital which specializes in cosmetic and reconstructive surgery.

III. CAYMAN ISLANDS

General

65. The population of the Cayman Islands is 35,355 (1989). They have an area of approximately 260 sq. km.

66. The Cayman Islands enjoy a full measure of internal self-government, under an elected Legislative Assembly from which are elected four Executive Council members given specific portfolios of responsibilities. Various amendments to the existing Constitution are currently under discussion, including the addition of a Chapter on Fundamental Human Rights deliberately refuting the International Covenant on Civil and Political Rights.

Article 10

67. The principal laws designed to promote such protection are:

Age of Majority Law;
Estates Proceedings Law;
Juveniles Law;
Maintenance Law;
Marriage Law;
Married Women's Property Law;
Matrimonial Causes Law and Rules;
Poor Persons Relief Law;
Sex Disqualification (Removal) Law;
Succession Law;
Wills Law;
Summary Jurisdiction (Domestic Violence) Law 1992.

68. In these matters, as in others similar, the aim and effect of legislation and action by the Government is to create a society in which individual effort is rewarded, while a cushion is provided - often with voluntary help - for the less fortunate.

69. Hence, although there are no housing grants, there is a government-sponsored scheme under which long-term mortgages are being provided for low-cost homes at low interest rates. Funding for this scheme is being provided by institutions in the local community subscribing for debentures at lower-than-market interest rates. A new US$ 5 million debenture was offered in April 1989. So far the Housing Development Corporation (see para. 89 below) has assisted approximately 60 Caymanian families to build their own homes.

70. The Department of Social Services provides a full range of social work services. These include financial assistance for the care of mothers and young children, advocacy for this vulnerable section of the population and counselling to strengthen family links. Services to children include the operation and staffing of two caring homes, one for boys and one for girls, each with 12 places, as well as a foster-care programme. The caring homes were both provided as a result of public fund-raising efforts.

Maternity protection

71. Under the Health Services Fees (Amendment) Regulations 1985 contraceptive services are provided free of charge, in addition to the free antenatal service which was already being provided to all residents irrespective of nationality.

72. The Labour Law (enacted in 1989), as amended by the Labour (Amendment) Law 1989, provides for 12 weeks mandatory maternity leave in a year, after 12 months of service, of which four weeks will be paid leave. The leave entitlement is on a pro rata basis for workers with less than 12 months of service. The General Orders (which regulate terms and conditions of employment in the Civil Service) have been amended to provide for 12 weeks of maternity leave to women in the Civil Service who have completed 12 months of service.

Protection of children and young persons

73. The Juveniles Law was revised in 1990. This revision will strengthen the development of programmes and services which have been instituted since the Juveniles Law was first enacted in 1974.

74. Other relevant laws are:

Adoption of Children Law;
Education Law and Regulations;
Guardianship and Custody of Children Law;
Juveniles (Joint Trials with Adults) Law;
Legitimation Law.

75. The Education Law provides for the compulsory medical inspection of all schoolchildren.

76. Children who, for whatever reason, are separated from their mothers may be placed in voluntary or involuntary care with foster parents or in one of the two residential care facilities in the Cayman Islands. Adoption overseas is an alternative as a last resort. Delinquent minors are also accommodated in the two caring homes or with foster parents. The Government intends to establish a small treatment centre to work with recalcitrant adolescent boys, since it is no longer considered appropriate that they should be sent to approved school in Jamaica.

77. A school for disabled children, founded in 1975 as a volunteer project, is now operated by the Government. Plans are being made for residential educational facilities for children who are unsuitable for normal schooling. In addition, the Government has established the Sunrise Adult Training Centre, which teaches life skills and crafts, mostly ceramics, to disabled adults.

78. Measures to protect children and young persons from exploitation, etc., are provided by the Juveniles Law and are carried out by the Education Portfolio. The National Council for Social Services, a voluntary body subsidized by the Government, runs a number of preschool facilities and gives support in various ways to the children of broken homes.

79. The Juveniles Law, in particular by its sections 42 to 46, places restrictions on the employment of children. The school leaving age is 15 years and 9 months.

Article 11

80. With a buoyant economy and, generally, a situation of full employment, which provide one of the highest standards of living in the region, the Government has seen no need to legislate specifically on the achievement of an adequate standard of living.

Right to adequate food

81. Again, the Government has seen no need to legislate on the right to adequate food, preferring the practical course of extending the already wide range of basic foodstuffs exempted from the import duty tariff which provides much of its revenue. The list of duty-free imports now includes milk, rice, raw sugar, wheat flour, potatoes, all poultry, salt beef, salt fish, cheese, coffee and cornmeal.

82. Through its Department of Agriculture, the Government has continued to extend its programmes to encourage the reduction of the Islands' dependency on imported food. All agricultural equipment and supplies are admitted free of import duty, as are pure-bred livestock (cattle, goats and chickens) brought in by the Department for local farmers as part of the drive to upgrade the Islands' livestock. Bulls' semen is also imported and is successfully used in upgrading and expanding local cattle herds. Within the restrictions of land quality and water supply, emphasis is being placed on innovative technology, including the use of hydroponics and irrigation schemes, to increase production. The Government has undertaken to ensure the future development of the agricultural sector and, to that end, is seeking to obtain a five-year development plan (1990 to 1995) for the sector. The plan is expected to be a comprehensive document in which further development will be based on prudent identification of agricultural enterprises which can be promoted within the limited natural endowment of the Territory and for which an acceptable prospect of comparative advantage exists.

83. The Department's experimental farm continues to test different varieties of plants and growing methods, and the results are reported to district meetings of farmers arranged in cooperation with the local Agricultural Society.

84. To protect groundwater resources and prevent degradation due to over-pumping or saltwater intrusion, the abstraction of water is regulated under the Water Authority Law 1982 and Regulations 1985. Lectures and farm visits by Department staff are used to disseminate knowledge and advice on food production and conservation.

85. The Government has hired an agronomist to advise on new techniques of food production and has opened a new farmers' market for the marketing of local produce. The market is leased by the newly-formed Cayman Islands Farmers' Cooperative and managed by a government-employed agricultural marketing officer.

86. Draft food safety regulations have been prepared for review by the Legal Department and budget provisions have been made for the construction of four slaughterhouses in the districts, as a further step in the improvement of inspection and control of food-hygiene standards.

87. Knowledge of the principles of nutrition is disseminated through social education in the schools, by public health nurses in the government health centres and by articles in the local press. Educational programmes on nutrition are organized through the hospital nutritionist.

Right to adequate clothing

88. No laws have been considered necessary to ensure the right to adequate clothing. In a tropical climate such as that of the Cayman Islands there is little, if any, problem over the provision of clothing. Although none is produced commercially on a large scale in the Islands, adequate clothing is available to all. Distribution of clean used clothing to needy families is undertaken by voluntary bodies such as service clubs. The Department of Social Services provides free school uniforms and other clothing to children in foster care or in the caring homes, as well as to other children whose families are financially unable to provide adequate clothing for them.

Right to housing

89. No law proclaims a right to housing, but the Housing Development Corporation Law 1981 provides for the promotion of housing development. The Housing Development Corporation, a government-supported body, provides loans to Caymanians for building their homes, with a limit on cost. In 1983-1984 a multi-sector committee laid the groundwork for a housing project. A piece of government land was subdivided, a community park was begun and the first unit completed, with government funding. Additional units are planned.

90. A building expert has been recruited to assist a committee to draw up a building code which will include provisions to meet earthquake and hurricane hazards and other public safety concerns. An electrical code and plumbing policies have been established, with licensing and inspectorate provisions.

91. A programme for the improvement of substandard tenanted housing was begun in 1990 in Grand Cayman. A public piped-water supply has been provided for the whole of the capital, George Town, and is at present being extended to take in other areas of development in Grand Cayman, thus greatly reducing the health risks associated with using groundwater underlying heavily populated areas. Plans are in hand to provide a piped-water supply to the smaller island of Cayman Brac. The development of groundwater resources and the establishment of two reservoirs in rural districts has also improved the availability of water supply.

92. The provisions of sanitary facilities for indigents, a rodent control programme and the extension of refuse collection services have all contributed to the improvement of sanitary conditions. Legislation has recently been enacted to allow regulations to be made for the collection and disposal of infectious waste.

Article 12

93. The Public Health Law 1981 contains provisions covering such matters as the suppression and prevention of illness and the treatment of sexually-transmitted diseases. Other relevant laws are the Health Services Law and the Mental Health Law.

94. Also relevant in this context is the priority which the Government has given to sports in its social service programming. The Government hopes to build public awareness of the need for recreation and exercise because of

(a) Their immediate health-related benefits;

(b) Their effect on national consciousness and productivity; and

(c) Their role as an alternative to more unhealthy or pathological social conditions (such as drug use and misuse).

95. There are approximately 30 national sporting organizations which cater for both domestic and international needs. They include organizations for track and field athletics, basketball, badminton, lawn tennis, cricket, soccer, rugby, squash, boxing, swimming, bodybuilding, various martial arts, volleyball, netball, cycling and softball. Most of these national organizations fall under the umbrella of the local Olympic Committee and many are affiliates of the relevant international governing body.

96. These national organizations are supported by government cash grants and some technical assistance from the Government Sports Office and Cayman Islands Sports Council. They also, together with recreational users, have free use of physical facilities provided by the Government, including playing fields, changing rooms, hard courts, public beaches and a public swimming pool with instructors.

97. The stillbirth rate and the infant mortality rate are both very low. Among the factors contributing to their reduction are the provision of free antenatal and postnatal care, improved immunization coverage (now 90 per cent) for infants and health education for schoolgirls and mothers.

98. Health knowledge is disseminated through social education in the schools. The school health programme has been intensified to include medical inspections and health screening for all schoolchildren. A family life education curriculum has been introduced at all levels of the school system. This includes segments on drug problems and on AIDS. A health educator has been secured on a two-year contract. Under her guidance, public education programmes will be intensified. All outpatient services at the government hospitals continue to be free of charge to all schoolchildren.

99. Public health was revised with the enactment of the Public Health Law 1981 and provides basic coverage in the areas of water quality, nuisance abatement, offensive trades, prevention or suppression of disease, solid waste management and rodent control. Some administrative and programme changes have been introduced in order to strengthen environmental health activities, with emphasis on water quality, surveillance, sanitation, solid waste management

and rodent control. Cooperation and consultation among government departments achieves better monitoring of the environmental effects of large-scale developments. A technical committee advises government bodies when required.

100. There has been a steady growth of vaccination programmes towards the target of having every infant protected against poliomyelitis, diphtheria, whooping cough, tetanus, tuberculosis, mumps and rubella. Vaccines are available through the hospitals and district health centres. A notification and surveillance system allows appropriate steps to be taken to control any epidemic. Incidence of communicable disease is very low and the necessary facilities are available for the management of those few cases that occur. Traffic accident prevention measures include reduction of speed limits and their active enforcement. Public education is also carried out through the mass media on the use of seat belts for drivers and of safety seats for infant passengers and on the dangers of mixing driving with alcohol or drug abuse.

101. A three year (1989-1991) Medium Term Plan has been developed for the prevention and control of AIDS and is funded by the World Health Organization. A five-year National Plan for the Prevention and Treatment of Drug Abuse in the Cayman Islands was developed in September 1989. The Cayman Counselling Centre, established in 1989, is catering for drug treatment programmes and other counselling services.

102. Two hospitals and four health centres put medical care within reach of all residents of the three Islands. In the district health centres, public health nurses provide primary care, and doctors visit on a regular basis to provide medical care. A radio control system ensures quick despatch of ambulances to any accident, and the hospitals are equipped to deal with most trauma cases. In exceptional cases, an air ambulance takes victims overseas for treatment.

103. The Government accepted in 1990 a policy document for planning of health delivery systems in the Cayman Islands. The Government's health and medical services, including the two hospitals and the health centres, are expected to cost approximately CI$ 10.2 million in 1991, of which only 37 per cent will be met by members of the public who use the services. The government services are complemented by a wide range of private practitioners. Those who cannot pay the charges at the government facilities can obtain free care through the social services.

104. The following are 1989 statistics:

Number of hospitals	2
Number of hospital beds	70
Physicians per 10,000 pop.	14.8
Dentists per 10,000 pop.	3.4
Nurses per 10,000 pop.	47
Infant mortality rate	9.1 per 1,000 live births
Maternal mortality rate	0
Stillbirth rate	9.1 per 1,000 total births

IV. FALKLAND ISLANDS

General

105. The resident population was 2,050 according to the 1991 Census (5 March 1991), not including military personnel and their families, civilian contractors' personnel associated with the military and their families, visitors and tourists or persons normally resident in the Falkland Islands but temporarily overseas. The Falkland Islands have an area of approximately 12,173 sq. km.

A. The system of government: the Legislature

106. The Falkland Islands are a dependent territory of the United Kingdom, having a large measure of autonomy, with the United Kingdom retaining responsibility for external affairs and defence.

107. Since the last report in 1982, the Falkland Islands Constitution Order 1985* has been made. This Order, and particularly its Schedule 1 ("the Constitution"), provides for the government of the Falkland Islands. As is the case of the United Kingdom itself, in the Falkland Islands, the constitutional arrangements provide for three basic divisions of legal powers and responsibility: the Legislature, the Executive and the Judiciary. The independence of the Judiciary is a fundamental principle provided for by sections of the Constitution. Thus the rule of law, to which the Executive is fully subject, is assured.

108. The Legislature, (the Legislative Council) is unicameral and its practice and procedure are based on those of the House of Commons at Westminster. It consists of eight elected members (who alone can vote on any matter) and two ex officio members (the Chief Executive and the Financial Secretary) who can speak, but not vote, at meetings of the Legislative Council. Under the Constitution, the Commander British Forces has a right to attend and speak, but note vote, in respect of any matter at meetings of the Legislative Council. The Attorney General may also be permitted by the person presiding to attend and speak, but not vote, in respect of any matter at meetings of the Legislative Council. All matters coming before the Legislative Council and requiring a decision are thus decided by the elected members alone.

109. The elected members of the Legislative Council are elected by the two constituencies into which the Falkland Islands are divided for this purpose: the Stanley constituency and the Camp constituency. The Stanley constituency consists of that part of the Falkland Islands which lies within three and one half miles of the spire of Christchurch Cathedral, Stanley, (that is to say, in very rough terms, the town of Stanley); and the Camp constituency consists of the remainder of the Falkland Islands. Each of the two constituencies is represented by four elected members, each of whom holds office for a maximum period of four years (but is eligible for re-election). General elections (that is to say, in respect of all elected members of the Legislative Council) must by law be held at intervals of no greater than approximately four years

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* A copy of this document is available for consultation in the archives of the secretariat.

(section 29 of the Constitution). All elected members of the Legislative Council then vacate their seats in the Council and must, if they wish to continue to be members, secure re-election. General elections took place in October 1985 and October 1989 and the next general election is due, at the latest, in about October 1993. There is provision in the Constitution enabling the Governor to dissolve the Legislative Council (which would cause a general election to take place) earlier than four years after the preceding general election. This power has not been exercised to date and is unlikely to be exercised except on the advice of the majority of elected members of the Legislative Council.

110. If a casual vacancy arises (one caused by the death, resignation or disqualification of an elected member of the Legislative Council), a by-election must be held within 70 days of the vacancy occurring unless the Legislative Council is dissolved sooner or is due to be dissolved within 126 days of the occurrence of the vacancy. No need for a by-election has arisen since the General Election in 1989, but during the period intervening between the 1985 and 1989 General Elections three by-elections were necessary.

111. At elections for members of the Legislative Council, each voter may cast (but is not obliged to cast) as many votes as there are seats to be filled in respect of the constituency in which he is registered as a voter. At General Elections there will be four vacancies to be filled in each constituency. At by-elections there will usually be (and so far has only been) only one vacancy to fill, but there could of course be more than one vacancy to be filled.

112. Where there are four vacancies to be filled, the four candidates securing the greatest number of valid votes will be returned as elected. (Invalid votes - for example, by reason of a voter having cast more votes than he is permitted to cast, or not having marked the ballot paper so as to make his intentions clear - are unusual. This is largely attributable to the high standard of literacy prevailing in the Falkland Islands.) Where there are less than four vacancies to be filled, the number of candidates who have secured the highest number of valid votes in relation to the seats to be filled (for example, if there are two seats to be filled, the candidates securing the two highest number of votes) will be returned as elected. Voting at elections is not compulsory but a high proportion of those eligible to vote exercise their right to do so (typically, 85 per cent or more).

113. There are, it is believed, currently no political parties in the Falkland Islands (although nothing in the Constitution prevents them existing). An attempt was made in 1988 and 1989 to establish a political party (the "Desire the Right Party" - the motto of the Falkland Islands' heraldic arms is "Desire the Right".) That party fielded four candidates for election, none of whom was elected. Possibly, the Desire the Right Party will be revived as the next general election approaches.

114. The lack of political parties does not signify a lack of political awareness. The people of the Falkland Islands take a lively interest in political matters, both in the Falkland Islands and elsewhere. Elections are usually keenly contested. The present elected membership of the Legislative Council consists of seven men and one woman. They have varying backgrounds.

The woman is a farmer's wife (presently representing the Camp constituency, but on a previous occasion elected to represent the Stanley constituency). The men are: (Stanley constituency) the Chairman of the General Employees' Union, a retired civil servant, a former school hostel supervisor and a plumber; (Camp constituency) a farmer, a farm manager and another farmer, living 15 miles from Stanley, who is also a qualified lawyer in practice in Stanley.

115. Four women in all (out of a total of 18 candidates) contested the 1989 general election. One of those women (who was not re-elected) had been a member of the Legislative Council prior to the general election.

116. Approximately half of the Stanley electorate had previously lived in Camp and a lesser proportion of the Camp electorate had previously lived in Stanley. Most of the Stanley electorate have close relatives living in Camp, and the converse is also true. There is not, therefore, the degree of polarity which the division of the Falkland Islands into an urban constituency and a rural constituency might otherwise suggest.

117. An important privilege of a legislature in the "Westminster system" is the ability of elected members of the legislature to question and examine the actions of the Executive: this privilege is exercised in full in the Falkland Islands. Because of the small population of the Falkland Islands, elected members of the Legislative Council are known personally to their electorate. This assists greatly in the effective representation of the interests of the electorate.

118. The Legislative Council of the Falkland Islands enjoys very wide legislative powers. In relation to a number of subject-matters (those set out in paragraph 5 of Annex A to the Constitution) the approval of the United Kingdom Government is normally required for local legislation. All locally-made statutes (Ordinances) may be disallowed by the United Kingdom Government, but no Ordinance has been disallowed within living memory. (It is believed that the last occasion on which one was disallowed was in 1875). The United Kingdom Government retains the right to legislate for the Falkland Islands. The matters in relation to which it may so legislate are not restricted but, in practice, the right has been exercised in the recent past only in relation to matters which have an external affairs element (for example, extradition and obligations under international treaties and conventions and, in 1983, citizenship).

119. The Legislative Council has exercised its right to legislate on a very wide range of matters, including taxation, company law, security of employment, social welfare, the law of contract, the criminal law and the administration of justice. Typically, it may enact anything up to 30 Ordinances in a year, but most of these are likely to be amendments of existing Ordinances.

120. Under section 23 of the Constitution a person is qualified for election as a member of the Legislative Council if he is:

(a) A Commonwealth citizen (that is to say, a citizen of a country which is a member of the British Commonwealth);

(b) Of the age of 21 years or upwards;

(c) Registered as a voter in the constituency in respect of which he seeks election; and

(d) Not disqualified under section 24 of the Constitution from being elected.

Section 24 of the Constitution sets out a number of disqualifications for election as a member of the Legislative Council. Among these are membership of any of Her Majesty's regular armed forces; bankruptcy; insanity; being subject to certain kinds of criminal sentence; having committed certain offences in relation to elections; or being by virtue of his own act under an obligation of allegiance, obedience or adherence to a foreign Power or State. Provision has been made by the Electoral Ordinance 1988 to permit public officers (civil servants), other than those holding certain senior posts in the Government service, to be elected as a member of the Legislative Council if otherwise qualified. Two public officers holding junior posts are currently elected members of the Legislative Council.

121. Elected members of the Legislative Council receive statutory allowances. The allowances a member receives are related, in part, to the time he devotes to official business; typically they will total about £9,000 a year. Those members who are employed are, universally, allowed leave of absence (and, frequently, paid leave of absence) to attend to official duties. Those who are engaged in business may, notwithstanding the allowances, incur financial loss by reason of being members of the Legislative Council. So far as is known, however, this has not deterred any person from seeking election - perhaps because elected members of the Legislative Council enjoy a considerable standing in the local community and because there is, in any case, a long tradition of unpaid voluntary service, in the Falkland Islands.

122. The right to vote in elections to the Legislative Council is governed by section 27 of the Constitution, supplemented by certain provisions of the Electoral Ordinance 1988. A person is entitled to be registered as an elector if he:

(a) Is a Commonwealth citizen (citizen of a British Commonwealth country);

(b) Is of the age of 18 years or over;

(c) Possesses the prescribed residence qualifications (which may vary according to whether or not he was born in the Falkland Islands); and

(d) Is not disqualified under section 27(2) of the Constitution by -

(i) Insanity;

(ii) Being subject to certain criminal sentences;

(iii) Having committed certain kinds of electoral offence;

(iv) Being a member of the regular armed forces of Her Majesty (but this disqualification does not apply to persons who "belong to the Falkland Islands", i.e. who have a status, as defined in the Constitution, equivalent to local citizenship);

(v) Being, by virtue of his own act, under an obligation of allegiance, obedience or adherence to a foreign Power or State.

123. The "qualifying date" for registration as a voter is 15 May in the year in which the electoral register is compiled. An electoral register is compiled each year, comes into force in the August of that year and remains in force for 12 months. In the current register, persons are shown as voters either in the Stanley constituency or in the Camp constituency.

B. The system of government: the Executive

124. Most persons in the Falkland Islands refer to the Executive as "the Administration": that is to say, the Governor and public officers subordinate to him.

125. The Governor, who in practice is a senior member of the United Kingdom Diplomatic Service is appointed by Her Majesty The Queen on the advice of the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom Government. Persons appointed as Governor hold office for a number of years. No fixed term is laid down, but in recent years the tenure of office has ranged from about three years to about five years.

126. The exercise of executive authority in the Falkland Islands is provided for by section 50 of the Constitution:

> "50(1) The Executive authority of the Falkland Islands is vested in Her Majesty.
>
> (2) Subject to the provisions of this Constitution, the executive authority of the Falkland Islands shall be exercised on behalf of Her Majesty by the Governor either directly or through officers subordinate to him.
>
> (3) Nothing in this section shall preclude persons or authorities other than the Governor from exercising such functions as are or may be conferred on them by law."

127. There are many provisions of law which confer functions on persons other than the Governor. Some of these provisions are to be found in the Constitution itself. For example, by chapter VI of the Constitution various functions as to financial matters are conferred on the Financial Secretary, and certain powers as to criminal proceedings are conferred on the Attorney General by section 66 of the Constitution. Ordinances, and subsidiary legislation made under them, may confer functions either upon the holders of named offices or upon a statutory body or authority. Invariably, where

functions are conferred upon a statutory body or authority the relevant law provides for elected members of the Legislative Council or persons nominated by the elected members of the Legislative Council to serve upon it.

128. The exercise of executive authority in the Falkland Islands is subject to the supervision of the Supreme Court by a process known as "judicial review". In general, a person who is aggrieved by an executive decision in relation to him has the right to request the Supreme Court to review the matter.

129. On an application for such a review the Supreme Court may grant relief (usually by setting aside the decision complained of) if it considers that there was no legal authority for the decision, or it was "irrational" (i.e. no rational person could properly have so decided, in the circumstances) or that the rules of natural justice were infringed (for example, by reason of bias, or a failure to give the person affected the right to present his case, or to consider it fairly) or that otherwise an incorrect procedure was followed.

130. The Supreme Court will not, however, on an application for judicial review, substitute its own decision on the merits of a matter for the decision taken by the executive authority, since that could be an improper arrogation of the functions of the Executive.

131. The powers of the Supreme Court as to judicial review exist independently of the Constitution and are in all respects similar to the corresponding powers of the High Court of Justice in England.

132. Under section 16 of the Constitution the Supreme Court has full jurisdiction to grant whatever relief it considers appropriate on the application of any person who alleges that any of the provisions of sections 1 to 15 of the Constitution (Fundamental rights and freedoms of the individual) has been, or is likely to be, contravened in relation to him (or in relation to some other person who is being detained). This is without prejudice to any other remedy that may be available.

133. Sections 1 to 15 of the Constitution reflect provisions of the International Covenant on Civil and Political Rights.

134. Though the Constitution came into force in October 1985, no person has so far made an application under section 16 of the Constitution. This is not by reason of ignorance of the right to do so but, it is believed because, on an alleged infringement being brought to its notice, the Falkland Islands Government takes immediate and effective action to investigate it and, if it is established, to remedy it in all respects. The Falkland Islands Government and all public officers take all possible care to avoid any inadvertent infringement of the provisions of sections 1 to 15 of the Constitution. No deliberate infringement of their provisions has yet come to the notice of the Falkland Islands Government.

135. Sections 51 to 55 of the Constitution regulate the composition of the Executive Council. This consists of three elected members of the Legislative Council, elected annually by all members of the Legislative Council. At least one of these three elected members must represent the Stanley constituency and at least one of them must represent the Camp

constituency. The Chief Executive and the Financial Secretary are ex officio members of the Executive Council (but never, in practice, vote on any matters coming before it) and the Commander British Forces and the Attorney General have the right to attend, and speak at, meetings of the Executive Council, but not to vote. Meetings of the Executive Council are, generally, presided over by the Governor but he too does not vote. The Executive Council meets at intervals of approximately once a month but can, and does, meet more frequently if an urgent item of government business requires it. The Executive Council invariably meets in private.

136. The function of the Executive Council is to advise the Governor "in the formulation of policy and in the exercise of the functions conferred upon him by this Constitution or any other law" (section 61(1) of the Constitution). The Governor is not obliged, however, to consult the Executive Council (section 61(2) of the Constitution):

> "(a) when acting under instructions given to him by Her Majesty through a Secretary of State pursuant to the provisions of section 18 of this Constitution;
>
> "(b) when the matter is one on which he is required by the provisions of section 20 of this Constitution to consult the Commander British Forces or on which the Commander British Forces has, in accordance with those provisions, given advice to the Governor;
>
> "(c) when exercising any function conferred upon him by this Constitution or any other law where it is provided, either expressly or by necessary implication, that he exercise such function in his discretion or in his judgment or in accordance with the advice of, or after consultation with, any person or authority other than the Executive Council;
>
> "(d) if, in his judgment, the service of Her Majesty would sustain material prejudice thereby;
>
> "(e) if, in his judgment, the matter is too unimportant; or
>
> "(f) if, in his judgment, the urgency of the matter requires him to act before he can consult the Executive Council;
>
> "Provided that in any case falling solely within paragraph (f) of this subsection he shall, as soon as practicable, communicate to the Executive Council the measures which he has adopted and the reasons therefore".

137. In practice, the Governor frequently does consult Executive Council in relation to matters on which he is not obliged to do so. Where the Governor is obliged to consult the Executive Council he is obliged to accept its advice unless he acts under the provisions of section 62 of the Constitution which provides:

> "62(1) In any case in which the Governor consults the Executive Council, he may act against the advice given to him by the Council if he thinks it right to do so.

(2) Where the Governor acts, in pursuance of subsection (1) of this section, against the advice of the Executive Council, he shall without delay report the matter to a Secretary of State with the reasons for his action.

(3) Whenever the Governor acts against the advice of the Executive Council any member of it may require that there shall be recorded in the minutes any advice or opinion he gave upon the question at issue and his reasons.

(4) The question whether the Governor has exercised any power after consultation with the Executive Council shall not be inquired into in any court of law."

The "advice of Executive Council" is the advice of the three elected members of the Legislative Council who are members of it, since no other person present votes (see para. 135 above).

138. By reason of the matters set out in paragraphs 108-137 above, the elected members of the Legislative Council, democratically elected, have in law and in fact, and subject only as mentioned in those paragraphs, control over all matters of government related to the subject matter of the International Covenant on Economic, Social and Cultural Rights.

C. The system of government: the Courts

139. Two courts are established by the Constitution:

(a) The Supreme Court, which has unlimited civil and criminal jurisdiction (including, as mentioned above, jurisdiction in relation to alleged contraventions of the fundamental rights and freedoms provisions in sections 1 to 15 of the Constitution);

(b) The Court of Appeal, which has jurisdiction in relation to appeals from the Supreme Court.

140. Chapter VIII (sects. 77-85) of the Constitution deals with the Supreme Court and the Court of Appeal. Removal of a judge of either court can only be effected in accordance with the provisions of section 81 of the Constitution which protect the independence of the judiciary.

141. From the Court of Appeal a further appeal lies, with leave of that Court or of the Privy Council, to the Judicial Committee of Her Majesty's Privy Council in London. This is provided for by the Falkland Islands (Appeals to the Privy Council) Order 1985 (SI 1985/445).

142. Courts subordinate to the Supreme Court have been established under the Administration of Justice Ordinance, i.e. the Magistrate's Court and the Summary Court. Both in civil matters and in criminal matters appeals lie from decisions of those courts to the Supreme Court (in criminal matters, against both conviction and sentence).

D. General information as to the geographical and demographic characteristics and the general economy of the Falkland Islands

143. The Falkland Islands consist of over 300 islands, many of which are very small. Most of the islands are uninhabited. The two largest of the islands are East Falkland and West Falkland. Stanley, the capital and the administrative and commercial centre of the Falklands Islands, is situated on the east cost of East Falkland. It has a population of 1,550, and is the only centre (disregarding the military garrison at Mount Pleasant Airport, approximately 35 miles to the west of Stanley) with a population which exceeds 100.

144. Much of the Falkland Islands is hilly, although no place in the Falkland Islands is above 3,000 feet in height. There are several areas (the largest being the Plain of Lafonia in the south of East Falkland) of undulating plain. The soil in the Falkland Islands generally is poor and acid and of comparatively low fertility. For that reason, rather than by reason of any climatic cause, trees did not exist before human settlement and the comparatively few trees that do occur are the result of cultivation. The Falkland Islands generally are a mixture of comparatively poor grassland and moorland. The Falkland Islands have a deeply indented coastline which is long in comparison to their land area. There are many inlets some of which are extensive. The longest river is about 35 miles in length.

145. The climate of the Falkland Islands is temperate, but extremely variable, noted for rapid changes in the weather within a short space of time. The Falkland Islands frequently experience strong winds, principally from the north-west. The rainfall is comparatively low, the average annual rainfall in Stanley being of the order of 21 inches a year, and West Falkland receiving only 10 to 12 inches of rain a year on average. The summers are comparatively cool, prolonged periods of warm weather being rare, with maximum temperatures of the order of 25° C. The winters are comparatively warm, the lowest temperature experienced being of the order of -10° C in most winters. However, the winds, although there are many calm spells or periods of low wind, can cause the weather to seem more harsh.

146. In East Falkland, in West Falkland and on several of the outlying islands there are settlements (groups of dwellings) but many families in Camp (all the Falkland Islands outside Stanley) live in isolation on their sheepfarms (which, in single family ownership, may be of an area of 20,000 acres or more). These farms will support anything from 3,500 to about 7,000 sheep. The principal activity in Camp is sheepfarming or, perhaps more accurately, sheep ranching. It is because of the generally poor fertility of the soil that so few sheep can be supported. Indeed the sheepfarmers take particular care to avoid overgrazing which, having regard to the terrain, climate and soil characteristics, would lead to serious problems of soil erosion.

147. The Falkland Islands Government has, since 1975, and at an accelerated pace since 1982, provided a policy of purchasing all sheep farms in overseas ownership which the owners were willing to sell, and on-selling them to local people who have been assisted by low-interest loans, interest-free periods and generous grants for improvement works. Most land purchased has been sold into single family ownership, each purchaser purchasing a part (a "subdivision")

from the Government. In most cases the new owners have chosen, for convenience of management, to set up their home on the land they have purchased. This has caused more families to live in isolation. The local measure of this is not the physical separation but the time it takes, in a suitable vehicle, to travel to the nearest neighbour overland: in many cases there will be no road, of any sort, available. In some cases the "travel time" to the nearest neighbour is as much as two or three hours, depending on the time of year. The Falkland Islands Government is very conscious of the problems associated with this situation and is endeavouring to combat them in a number of ways, dealt with later in this section of the report in relation to the appropriate articles of the Covenant.

148. It has not invariably been the case that farms in overseas ownership bought by the Government have been subdivided in the manner mentioned above. In West Falkland, the farm known as Port Howard was on-sold to its former employees who, through a company they formed, and generous financial assistance from government sources, purchased the farm and continue to operate it as one farm. This venture has proved successful and has enabled the continuance of the settlement at Port Howard. But that course would not have been possible in the case of all farms purchased by the Government. In some cases, some of the former employees did not wish, in any event, to buy any part of the farm and those who did wish to do so wished to have a farm in their own, single-family ownership. The Falkland Islands Government has respected these wishes.

149. In early 1991, a large farm (approximately 900,000 acres supporting over 200,000 sheep) came upon the market and the Falkland Islands Government, after much deliberation, bought it through a wholly-owned company. A significant factor influencing that purchase was the Government's desire to ensure continuity of employment for the employees and the continuance of the four settlements which owe their existence to that farm. The Falkland Islands Government's policy is to return the farm to private but local ownership as soon as this is feasible.

150. Only a small population of farmland in the Falkland Islands is now in overseas ownership (approximately 7 per cent).

151. The Falkland Islands Government and the Falkland Islands Development Corporation, which was established by Ordinance in 1983 and which is a governmentally controlled statutory corporation, are both conscious of the desirability of diversifying economic activities, particularly in Camp.*

152. One avenue which has been explored, and which is being pursued, is the development of tourism. Because of the distance of the Falkland Islands from available tourist markets, its small population, and the consequent shortage of available labour, the need to take particular care to protect important local wildlife (which is very sensitive to human presence) and the lack of infrastructure necessary if tourism is to take place on any scale, this

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* A copy of the latest annual report of the Corporation is available for consultation in the archives of the secretariat.

presents particular difficulties. None the less, the Falkland Islands Development Corporation has funded the establishment of a tourist lodge with a high standard of facilities on Sealion Island, where a superb variety of wildlife is a major attraction. The Corporation has subsequently (in 1991) purchased that island. It has financially assisted the establishment of tourist lodges in other places (Blue Beach in East Falkland, Port Howard in West Falkland and at Pebble Island). A subsidiary board of the Corporation operates as a Tourist Board and maintains offices in London and in Stanley. The attractions promoted are the scenery, way of life, superb wildlife and superb river fishing for sea trout. A number of cruise ship operators include the Falkland Islands in their itineraries, and cruise vessels call at Stanley and at some islands which have wildlife attractions, such as New Island, Carcass Island, Bleaker Island and West Point Island. At the present time tourism does not provide any net financial benefit to the national income (although it does augment the income of a number of local people).

153. Another economic diversification in Camp has been the establishment of a wool mill and knitting factory on a small scale at Fox Bay East in West Falkland. The existing community there was expanded for that purpose. After a period of some years of uneconomic operation, this now appears to be about to operate on an economically self-supporting basis. In the meantime, the venture has been largely funded from governmental sources.

154. A variety of small-scale economic activities in Camp have been supported, both by advice and by funding, by the Falkland Islands Development Corporation. These include the knitting, by machine, of garments out of local wool, two dairies, an experimental goat-herd, and an experimental salmon farm.

155. Prior to 1983, the principal activities in Stanley were the activities of the Government itself and the service and shopping activities necessary to support the population. One company, the Falkland Islands Company Limited, dominated private commercial activities. As soon as it was established, the Falkland Islands Development Corporation, in accordance with the recommendations of an official report (the "Shackleton Report") commissioned by the United Kingdom Government and with the assistance of grants of £33 million out of United Kingdom aid funds, set about the task of diversifying the Stanley economy, as well (as indicated above) as that of the Camp. It was perceived as being particularly important to enable local people to own, manage, and operate their own businesses. A difficulty had always been the shortage of available investment capital (and, indeed, until 1985 there was no commercial bank in operation) and the unavailability of professional and other advice to owners of small businesses. A number of businesses have been established with assistance from the Corporation. These include a hydroponic nursery with associated market garden, a laundry and dry-cleaning business, various shops, a shoe repair business, an accountancy services company and a firm of legal practitioners (in the latter two cases, using imported professional staff). A considerable number of grants have been made to assist in the establishment of part-time businesses. These include a video-recording business (local weddings and social and entertainment events being recorded), a camping equipment hire business and a haberdashery.

156. The Falkland Islands Development Corporation will cease to be funded out of United Kingdom aid funds on 31 March 1993. Thereafter its funding, apart from self-generated funds and any funds available from sources such as the European Community, will be undertaken by the Falkland Islands Government.

157. The national income has been dramatically increased since 1987 as a result of the declaration of a fishing zone (the Falkland Islands Interim Conservation and Management Zone). Previously, major fishing activities took place freely in local waters. Now, fishing is permitted only by vessels which are licensed, at a fee, by the Falkland Islands Government, which currently receives approximately £26 million a year from this source. Conservation of fish stocks has been a major cause of concern and the Government, with expert overseas scientific advice, pursues determined policies with this in mind. However, the fish stocks in question are not within the overall control of the Government as they are South West Atlantic stocks, in large measure occurring on the high seas where largely uncontrolled fishing takes place, particularly by the fishing fleets of some far eastern nations and by vessels belonging to the Commonwealth of Independent States. This is a particular concern in relation to squid of the species illex argentinus, an annual species which overfishing could rapidly reduce to levels at which fishing for it would not be economically viable. That one species is the source of some 70 per cent of the Government's fishing revenue.

158. Against that background the Government seeks to encourage local people to engage in fishing and fishing-related activities. It is not possible to promote a locally-manned fishing fleet because of the size of the population. Even the acquisition of fishing vessels presents problems because of the very high capital costs involved and the somewhat risky nature of fishing ventures. Two local companies have each succeeded in acquiring one vessel. Others are exploring the possibility, with encouragement from the Government. The possibility of utilizing funds, by grant to the companies, from European Community sources is being investigated.

159. Several local companies have engaged in fishing-related activities such as local agencies, fishing support services and export of fish caught. The Falkland Islands Government is not yet content, however, that the desirable level of local participation in fishing and fishing-related activities has been achieved.

160. Elected members of the Legislative Council for some considerable time had been anxious that the possibility of the existence of hydrocarbon deposits in commercially exploitable quantities and circumstances on the Falkland Islands continental shelf should be fully explored. Legislation enabling such exploration, but not exploitation of any hydrocarbons found, was enacted locally in late 1991. Surveying has now begun. It will be some time before the results can be fully assessed and, if these are apparently favourable, more detailed investigations are likely to be required. Even then, a number of years must pass before any hydrocarbons in commercial quantities could be extracted. Revenue from economic activity, on any scale, related to the presence of hydrocarbons can, at this stage, be viewed only as a possibility for the future. The Falkland Islands Government will, if and

when appropriate, seek expert advice and assistance both from private consultants and from United Kingdom Government sources, where there is considerable expertise in such matters.

161. As general background information, a copy of the Report on the Census undertaken on 5 March 1991 is provided.* It is believed that no significant alteration has occurred in the circumstances of the Falkland Islands' population since that date. Reference is made to that report in subsequent paragraphs and in relation to particular articles of the Covenant.

Article 10

Protection of children and young persons

162. The meaning given to the word "family" in the Falkland Islands is dependent on the context in which it is used. In the widest sense it means everybody to whom a person is related by blood or by marriage. For example, early in 1992 a gathering of persons descended in blood from a man and wife who settled in the Falkland Islands in 1843 was held in Stanley. Some persons came from distant overseas countries. The gathering did not include all such descendents yet nearly 300 people attended.

163. Those of the people of the Falkland Islands who can claim descent from one or more early settlers through perhaps five or six generations take great pride in doing so.

164. More usually, in relation to both social and legal obligations, "family" has a much more restricted meaning. A person might regard his family as, in a narrow context, meaning his spouse and children or, if a child, his parents and siblings. Quite apart from any legal obligations, a person would regard himself as having moral obligations to his "family" within this narrow context. So, too, where a person has elderly parents (but not universally), a person might regard himself as having a moral obligation to support and assist them; and, possibly, his spouse's parents, too. He might believe he had such moral obligations to his adult siblings and to their children if they needed help. He would not be likely to believe he had any moral obligation to any remote relative, except remoter ancestors still living.

165. Socially, the picture is different. A local person having living cousins, nephews, nieces, uncles or aunts would commonly wish to maintain contact with them.

166. Legally, obligations in respect of family are restricted to those of parents or persons in loco parentis to children and those of a person towards a spouse. The relevant laws are not identified in detail here because Falkland Islands law on this matter is essentially the same as the law of England.

167. A person is in loco parentis to a child, if not a parent of that child, if he has been appointed by a court order, or otherwise in accordance with law, to be a guardian of that child or if he de facto has custody of it.

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* Available for consultation in the archives of the secretariat.

"Child" includes a child who is illegitimate or who has been legally adopted under an order of a competent court. Where a person marries a person who has children who come to live in the same house as the spouses, he may in certain circumstances incur responsibilities for the future financial support of those children if he accepts them as if they were his own. In such a case those children, for that purpose, will be treated in laws related to divorce as "children of the family". The divorce court, before it will grant an order for the dissolution of the marriage, will require to be satisfied as to the proposed arrangements for those children.

168. "Child" has a different meaning in different laws. A person becomes "of full age" (an adult) on attaining the age of 18 years. While under the age of 18 a person may be described, for legal purposes, as "a minor" or "an infant" (the terms are interchangeable). In laws for the purpose of protecting persons of immature years the term "child" is usually used (instead of "minor" or "infant"). Even so, the term "child" in those laws denotes persons of ages which vary according to the particular purpose of the law in question. But "child" in legislation of this kind generally (but not by any means exclusively) means a person under the age of 14 years. "Young person" is frequently used to describe a person who has attained the age of 14 years but who has not attained the age of 17 years. In some cases, the protection afforded by law (for example against cruelty) extends to both a "child" and to a "young person".

169. In relation to the law governing the payment of family allowances a person under school-leaving age will always be treated as a child and any person of 18 years of age will also be so treated if he is receiving full-time secondary education.

170. A person under the age of 16 years cannot lawfully marry at all and a person under the age of 18 years cannot lawfully marry without the consent of a parent or other person who is his legal guardian or of a competent court. Nor can a person under the age of 16 years lawfully consent to sexual intercourse. If a male has sexual intercourse with a girl under that age but with her de facto consent he commits the offence of "unlawful sexual intercourse". (This is subject to a special defence, where the accused person is himself under the age of 23 years, that he reasonably believed her to be of or over the age of 16 years.) If, of course, he has sexual intercourse with her knowing that it is without her full and free consent, he has committed the offence of rape. Sexual intercourse with a girl under the age of 13 years by a male of or over 14 years of age (even if he believed her to be older) is specially punishable. It is an irrebuttable presumption of law that a boy under the age of 14 years cannot physically have sexual intercourse.

171. As an exception to the general rule that a person of the age of 18 or over has all the powers of an adult, a male under the age of 21 years cannot lawfully consent to homosexual acts. (Otherwise, such acts, if committed in private, by consenting adults, are not an offence.) A further exception is that a person of either sex under the age of 21 cannot be elected to the Legislative Council.

172. A person under the age of 16 years cannot lawfully be sold any tobacco product. A person under the age of 18 years cannot enter a bar or purchase alcohol, whether in a bar or anywhere else.

Marriage

173. A marriage cannot lawfully be entered into except with the full and free consent of the parties to it. Marriage with a person within a close degree of relationship is prohibited. As indicated above, a person under the age of 16 years cannot lawfully marry, and there are restrictions on the ability to marry of persons who have attained that age but who have not attained the age of 18 years. A marriage entered into which is found by a competent court to have been entered into by reason of threats or duress sufficient to vitiate true consent to it will be declared void. There is no distinction in law between men and women in any of the above respects.

174. It is not customary for a marriage to be arranged on behalf of either of the parties to it, but it is not unlawful. Nevertheless, the marriage will be void if either of the parties is shown not truly to have consented to it. Similarly, neither dowries or bride prices are customary; nor are they unlawful, but a contract to pay either of them could not be enforced because it would be regarded as contrary to public policy. A marriage entered into because a dowry or bride-price has been paid will be declared void by a competent court if it is proved that either of the parties did not truly consent to the marriage.

175. Falkland Islands society generally would condemn an arranged marriage as being unnatural, and would condemn the payment of a dowry or bride-price as treating the woman as a chattel to be bought and sold. Indeed, it would regard as unnatural any marriage entered into for any reasons other than the love for each other of the parties or, in the case of persons of greater age, for mutual companionship.

176. It is not unknown for a person of wealth to give valuable property to a married couple or to one of them on the occasion of their marriage. This is not unlawful, nor is it condemned by local society, because it is not given to induce the couple to marry each other but because they are marrying.

177. The rights to marry and to establish a family are fully recognized by law. Interference with the freedom of an individual who is lawfully (as detailed above) entitled to marry would be a matter in relation to which the courts could grant an effective remedy. The same would be the case in respect of any interference with the right of a married couple to have children, if such is their wish. The law does not in any respect penalize a couple either for marrying or for living together in an unmarried state or, whether or not married, for having or for not having children. The law does, however, give special protection to the married state of persons. An attempt to force spouses to live apart would be regarded as contrary to public policy and as a wrongful act against which the courts would give protection. But the law does not force spouses to live together. On the death of a spouse intestate, a surviving spouse has the right to inherit the whole or part (depending on value) of the deceased spouse's property. If the property is above a certain value, the children of the couple (and a child of a deceased child) have

certain rights of inheritance. The position in this respect is identical to that in England. Equally, the position is the same as it is in England regarding the rights of a spouse and other dependents not provided for adequately by the will of a deceased person.

178. A spouse cannot, except in relation to an offence against him or her by the other spouse, be compelled to give evidence in criminal proceedings against that other spouse; nor, except with that spouse's consent (and except as mentioned), can he or she be permitted to do so.

Maternity protection

179. By the Employment Protection Ordinance 1988 a pregnant woman has the same rights to absent herself from employment and return to employment after confinement as under the Employment Protection Act 1978 in England. There is no law requiring the whole or any part of this period of absence to be a paid absence. Nor is there any provision for payment out of government funds of any maternity allowance or benefit to a pregnant woman. That said, the contractual terms of employment of many women entitle them to full salary during the whole or part of their period of absence from employment, if they have a specified length of service.

Protection and assistance to children and young persons

180. Reference is made to the information already given above in relation to this article. A child under 13 years of age cannot be employed at all. No person of school age who has not attained the age of 15 years on 31 January in the year in question may be employed in any public or private industrial undertaking, or in any branch of it, other than one in which only members of the same family are employed. Nor, on a school day, can he be employed for more than two hours or before 7 a.m. or after 7 p.m. on any day. This does not apply (other than in respect of industrial undertakings) in the case of "work experience", as part of his education, which is being provided by arrangement between the Department of Education and an employer during the last year of compulsory education.

181. A person under the age of 15 years cannot be employed at all on a ship. A person under the age of 18 cannot be employed at night in any industrial undertaking other than one in which only members of the same family are employed. Nor can he be employed in a bar.

182. A child cannot be employed to lift anything so heavy as to be likely to cause injury to him. Nor can a child under the age of 17 be employed in street trading.

183. Children over 13 years, and under school-leaving age, particularly girls, sometimes have casual jobs in retail outlets on Saturdays. They appear to enjoy this, and all the evidence indicates that they are in no way exploited: in the small society of the Falkland Islands any abuse would rapidly become apparent to the population, to a great number of whom they are personally known. They are believed to retain their earnings for their own use: in other words, they do not seek this employment by reason of family economic necessity.

184. Those children whose parents own, or work on, a sheep farm will habitually assist their parents in the running of the farm at weekends and in school holidays. They do not do so as a result of any compulsion but by reasons of family affection and family companionship: just as children in Stanley will assist their parents in a whole range of tasks around or about the house, such as cleaning the house, gardening, household repairs and improvements and cleaning and servicing the family car.

185. There are no children in the Falkland Islands who do not live in a family environment. There are no children known who do not have at least one parent living. There will be occasions when a child is not being adequately cared for by his parents, and in a number of such cases the child, having been fostered by another married couple, has been adopted by court order as the child of that couple. The Government's health visitor and social welfare officer both maintain a watchful eye on the welfare of children who, by reason of the shortcomings of their parents, are or may be prejudiced in their upbringing. Counselling and advice is given to their parents and the household is regularly visited. There is close cooperation between the medical and education authorities in the identification of children at risk.

186. There are a number of physically or mentally disabled children but there is no special school in the Falkland Islands to cater for their needs. This is because of the small number of such children falling in any particular category. (A mentally disabled child needs different assistance from that needed by a child with a hearing disability or lack of mobility.) In any such case, the Government is always willing to arrange for the attendance of the child at a special school in the United Kingdom, if the parents so wish. However, the parents in all cases that have so far arisen have preferred to avoid the separation this would entail. Recognizing the problem this situation causes (the child might not attain his full potential of ability), the Department of Education currently employs a member of staff in relation to the two such children of school age in Stanley (one suffering from Down's Syndrome and the other from a severe hearing disability) and involves the children in all general activities of schoolchildren that are possible.

187. One adult suffering from a mental disability (and who has no relatives able and willing to care for her) is accommodated at the hospital where she can receive such care and supervision as she needs. She is not confined to the hospital and is encouraged to go out and about. She receives a weekly allowance from government funds which she can spend as she pleases. From time to time she takes suitable casual employment. Regular employment of a suitable kind for her is not available as she needs constant supervision by a person competent to provide it, and it has not proved possible in recent years to arrange this.

188. The Government recognizes that the situation disclosed in paragraphs 186 and 187 is not all that might be desired, but believes that it is as much as can be achieved, having regard to the human resources available and the size of the community.

189. There have been no changes in national legislation relevant to article 10 during the reporting period.

Article 11

Standard of living

190. Information as to dietary matters is given below in relation to article 12 of the Covenant. The Falkland Islands are a relatively homogeneous society with no marked socio-economic divisions. That is not to say, of course, that personal incomes do not differ, nor that people do not have a wide range of occupations.

191. The minimum wage payable to an unskilled adult labourer in the employment of the Government is increased every three months if there has been a significant rise in the local cost of living. It is currently £140.40 per week.

192. The standard of living and the earnings of the whole population are believed to be comparable with that of the United Kingdom. They have changed dramatically over the reporting period and this is attributable to the precipitate rise in national income which occurred with the institution of the fishery zone in 1987. The Government granted pay increases in 1988 well above inflation levels and similar increases were granted in private sector employment. The information given in the 1991 Census Report* will to some extent illustrate the standard of living enjoyed by the population.

193. The ownership of private motor vehicles has dramatically increased and is approximately one to every two members of the population. There are 1,118 telephone numbers (not including facsimile lines) connected to dwelling houses in the Falkland Islands. In both Stanley and Camp almost every dwelling has its own telephone.

194. It is believed that nearly every dwelling in Stanley has a television set and nearly as many also have a video-recorder. The ownership of television sets and video-recorders in Camp is somewhat lower. This is expected to change very shortly when television broadcasting is extended to Camp. (It was introduced in Stanley in 1990.)

195. It is believed that every family dwelling in both Stanley and Camp has a washing-machine and a refrigerator, and a very high percentage also have a deep-freezer. A high proportion of the population regularly take overseas holidays - mostly in the United Kingdom, but holidays in other countries are becoming more common, in Europe and South America (Chile) in particular.

196. There is no official "poverty line" in the Falkland Islands. Non-statutory social welfare benefits are paid to those few persons who have been identified as not being in receipt of a sufficient income, but it is

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* Available for consultation in the archives of the secretariat.

known that there are a few people who, for reasons of pride (the Falkland Islands people have traditionally been self-reliant), have been unwilling to draw attention to their plight. Steps have been taken to identify all these people and to assist them.

Right to adequate food

197. Under-nourishment is unknown in the Falkland Islands: if it were to occur, it would rapidly become apparent for reasons which are evident from the information given below in relation to article 12. There have never been groups such as landless peasants, marginalized peasants, or indigenous peoples in the Falkland Islands. There are no rural unemployed. There is a small number of unemployed in Stanley, mostly unskilled females, who are largely unemployable because of their known personal characteristics; there is work available for them, but no employer is willing to engage them. A smaller number of unskilled males in Stanley are out of work at certain seasons of the year. Again, this is not because there is not work available for them to do, but because their known personal characteristics are such that no employer is willing to engage them. In respect of all these people, the Government gives financial assistance where necessary. (Many of the unskilled unemployed males have financial resources derived from high earnings in seasonal work.)

198. For reasons which will be apparent from information given elsewhere in this report, the Falkland Islands import most of their food needs. They are certainly capable of satisfying all their meat needs but, for the sake of variety, import meat and meat products to supplement the locally available varieties. If there were compelling need to do so, they could probably satisfy all their needs for dairy products. They could not meet their needs for fruit or grains. Most imported food comes from the United Kingdom. Most imported fruit and vegetables are purchased commercially in Chile. Some dairy products are also purchased there and some meat is occasionally imported from Uruguay. The Falkland Islands Government, having regard to the circumstances of the Falkland Islands, cannot take any steps to ensure equitable distribution of world food supplies.

Right to adequate housing

199. No person in the Falkland Islands is homeless. Full details of the housing position in the Falkland Islands is contained in the 1991 Census Report*. No person is living in an "illegal settlement" or "illegal housing". There are believed to be no people living in housing which is overcrowded by United Kingdom statutory criteria. Except at the remoter dwellings in Camp where postal services are not and cannot be regular and waste disposal facilities are provided by the householder, all dwellings are with access to waste disposal, sanitation facilities, electricity and postal services.

200. The Government is not aware of any person whose housing expenses are greater than he can reasonably afford.

201. The government housing waiting-list is presently 61 persons. However, none of these people is without accommodation. Some are single persons who wish to have a dwelling of their own, others want larger accommodation so they

can marry or start a family. Others are persons living in Camp, in a house provided by their employer, who wish to move to Stanley to take up different employment.

202. Information as to different types of housing tenure is contained in the 1991 Census Report*.

Legislation as to the right to housing

203. There is no legislation in the Falkland Islands as to the "right to housing" or homeless persons, or legislation of a similar nature. In the circumstances of the Falkland Islands the Government considers that this is unnecessary and that the situation disclosed in this report amply demonstrates that the requirements of paragraph 1 of article 11 have been fully met by governmental and private action.

204. There is no legislation as to land distribution. As explained in paragraph 147 above, the Government has, since 1975, pursued a policy of purchasing farms in overseas ownership. Further, it has for many years pursued a policy of selling serviced plots to local people at low prices: typically, one fifth or less of the cost to the Government of providing services (roads, electricity and drainage) to the plot. It pursues positive measures to encourage persons to own their own homes: subsidized loans, employing a building adviser whose duties include advising persons on the building of their own homes, supplying some materials at cost and offering houses it lets to local tenants at prices advantageous to them.

205. "Land zoning" legislation was enacted in 1991 - the Planning and Building Ordinance 1991. This Ordinance is modelled upon the Town and Country Planning Acts of England.

206. A bill as to compulsory acquisition of land (the Land Acquisition Bill) is currently before the Legislative Council. Chapter 1 of the Constitution requires the prompt payment of fair and adequate compensation for land compulsorily acquired. The Bill referred to contains provisions enabling the views of the community to be effectively sought in any instance of compulsory acquisition of land.

207. There is currently no legislation as to security of tenure or as to protection from eviction. However, another bill (the Law of Property Bill) before the Legislative Council contains provisions on these subjects. No legislation as to rent control or housing affordability is considered necessary.

208. No form of discrimination exists in the housing sector. (So far as relates to government action, such discrimination is expressly forbidden: section 12 of the Constitution.)

209. There is no legislation which requires an order of a court before a tenant of a dwelling can be evicted, but it is usual practice to obtain one. The Law of Property Bill referred to above contains a provision which would

require an order of a court before a tenant could be evicted against his will. In any case, it is at present unlawful, without a court order for possession, to enter a dwelling forcibly for the purpose of evicting a tenant.

210. The Public Health Ordinance, and subsidiary legislation under it, and the Planning and Building Ordinance 1991 are the legislation providing for health and environmental standards in relation to housing.

211. The Falkland Islands Government encourages house-building by the private sector by subsidizing the interest on commercial loans (so reducing the effective interest rate to 7 per cent per annum) and by permitting all interest paid on a loan of less than £50,000 to be deducted from income liable to tax. As explained above, it also sells serviced house-building plots at a fraction of cost. Effectively, this controls the price of all such plots in the Falkland Islands (i.e. including those in the private sector). It encourages development of privately owned land in Stanley by the provision of services to such land (roads, electricity and drainage) free of charge (i.e. none of the cost is recovered from the landowner).

212. Since 1992 the Falkland Islands Government has built dwelling units in Stanley of various types and is offering the majority of them for sale to sitting tenants at prices much below the cost of construction or, in the case of older dwellings, their market value or cost of replacement.

213. In the reporting period the Government has spent over £15 million on provision of new housing and infrastructure associated with it. This represents approximately one third of its total capital expenditure during the period. It plans to spend approximately £5 to £7 million in this area during the next five years.

Article 12

General medical matters

214. Medical and dental services to the civilian population are provided in the Falkland Islands exclusively by the Falkland Islands Government. A levy is payable in respect of all employed or self-employed persons. In the case of employed persons, this levy is currently 1 per cent of the remuneration earned, payable by the employee and 1.5 per cent of that remuneration, payable by the employer. Self-employed persons currently pay 2.5 per cent of their earnings. The revenue thus obtained does not cover the cost of the provision of these services and is not intended to do so. The balance of the cost is met out of the Government's general revenues. No charges are made to local residents for medical or dental treatment, medicines or medical or surgical appliances supplied by the Government.

215. The medical and dental staff of the Government are based at the King Edward VII Memorial Hospital, Stanley. This is a small modern hospital (completed in 1987) containing 32 in-patient beds, consulting rooms, an operating theatre, treatment rooms, a casualty department and out-patient facilities. Unless, because of a patient's state of health, a domiciliary visit is required, persons resident in Stanley generally visit the hospital to obtain any medical treatment or medicines needed. The Government employs

four physicians. Under an arrangement with the United Kingdom Government, the facilities at the hospital are available to the military who provide some of the nursing staff, a resident anaesthetist and a resident surgeon. The balance of the nursing staff and general staff are provided by the Government, which also provides the dentist. The military garrison has its own physicians and dentist, based at Mount Pleasant Airport.

216. The Falkland Islands Government has a reciprocal medical services agreement with the United Kingdom Government. Under this arrangement local patients who require treatment which cannot be provided locally (heart operations, organ transplants or specialist orthopaedic care, for example) are flown to the United Kingdom where they receive treatment under the National Health Service there. Emergency cases requiring overseas treatment are evacuated by air rapidly, attended by specialist military medical staff.

217. Special arrangements are in place in respect of the Camp (rural) population. There is a regular programme of visits by government physicians to convenient locations throughout Camp. These are publicized in advance. Additionally, a physician operates a "telephone clinic" every weekday morning for consultations with Camp patients. A medicine chest, provided by the Government, is in place in every settlement and at the isolated dwellings and of course is furnished with medical advice relating to the medicines in it. These chests include analgesics, some of which are controlled drugs under the Narcotics Convention, for use in an emergency.

218. If a medical emergency arises in Camp, the patient will as soon as possible be brought to the hospital by air. There are 35 airstrips in Camp, but these can generally be safely used only in daylight. Where no airstrip is available, and if an overland journey would be hazardous to the patient, the services of the Royal Air Force search and rescue helicopters, are enlisted. The patient is not required to pay for the transport.

219. Regular dental visits are made by the dentist to Camp locations.

220. The Falkland Islands Government arranges for ophthalmologist's visits at regular intervals. No charge is made for the eye test. Charges are made for spectacle frames and lenses, except in the case of children and retired people taking standard frames.

Physical and mental health generally

221. The physical and mental health of the population of the Falkland Islands is good. There is no evidence of any occupational disease or any significant difference in the health of any sector of the population: either in relation to social economic group, occupation or place of residence (Stanley or Camp), race or place of origin.

222. The general situation as regards the health of the people of the Falkland Islands can be approximately equated to the situation in the United Kingdom. Cardio-vascular diseases and conditions of various types are prevalent causes of death at levels similar to those in the United Kingdom.

The association between diet and these causes of death (based on research in the United Kingdom and elsewhere) is well known in the Falkland Islands, both to medical staff and to the population generally. So is the adverse effect on health of smoking.

223. The Government's medical staff take every opportunity to bring to the attention of the population the dangers to their health of an incorrect diet and of smoking. Positive education of the population in these matters is undertaken by radio and television broadcasts. (Many programmes on these subjects made in the United Kingdom are rebroadcast in the Falkland Islands.) A "National No-Smoking Day" has been sponsored (not directly by the Government, but with its approval) every year for the past three years. Pregnant women are advised by Government medical staff of the dangers to their unborn children of smoking during pregnancy.

224. Positive education on all these subjects, with the approval and cooperation of the Department of Education and of teachers, is given to all children attending school at appropriate ages. Schoolchildren are encouraged to consider these matters in essays and school debates.

225. The population of the Falkland Islands as a whole eats much greater quantities of meat (although no statistics are available) than is the case in, for example, the United Kingdom. This is because meat is plentiful and cheap. For comparison, fish has been less available and comparatively expensive. During recent years fish has become more readily available and comparatively somewhat cheaper, although still far more expensive than meat. A gradual change in the diet of the population is, it is believed, taking place. There are no statistics available, but the greater quantity of fish being sold in retail outlets is empirical evidence of this.

226. Historically, a shortage of supply for purchase of fresh fruit and vegetables has been a problem. Traditionally, householders would cultivate in their gardens (which, for this reason, were large) a supply of vegetables. Some fruits, such as tomatoes, would be cultivated in the conservatories attached to dwellings. Fruits such as oranges and apples were readily available and could be grown in the open air in the Falkland Islands. The problem of the shortage of fresh fruit and vegetables for purchase has been tackled in a number of ways. First, the Falkland Islands Development Corporation has assisted financially and with advice the establishment of a hydroponic nursery and market garden. During eight months of the year various salad vegetables, including tomatoes, lettuces, cucumbers and aubergines, are available from this source. Secondly, air and sea links with southern Chile have been promoted, bringing fruit and vegetables from that source. Thirdly, the Corporation has sought to encourage some sources in Camp to supply surplus vegetables to Stanley for sale. The problem, although it has not entirely disappeared, has thus to a large extent been alleviated. Sales of tinned vegetables and fruits have, it is believed, decreased as a result. Frozen vegetables are at all times of the year available in retail outlets in Stanley. They are relatively expensive but have the attraction of convenience.

227. There is some evidence that excessive consumption of products containing sugar was causing damage to the teeth of young children. The Government's medical and dental staff have given appropriate advice on this in schools and to patients.

228. The medical and dental staff of the Government routinely check the physical and dental health of all children attending schools.

229. The Government employs a health visitor whose duties include monitoring the health of those members of the population (the elderly, and families including young children or those whose health may, for family reasons, be at risk) who it is believed may have a particular problem.

230. The excessive consumption of alcohol by some members of the population has historically been a problem in the Falkland Islands and is to some extent still a problem, although certain measures have been taken to combat it. First, use has been made of a provision of local law which empowers a court to prohibit a person, for a period, from purchasing, being supplied with, or consuming any alcohol. During this period the medical staff attempt to educate the person and to counsel and advise him on the problems of alcohol and alcohol abuse. Secondly, a church, with the encouragement of all churches and of the Government's medical staff, has sponsored, on an entirely non-sectarian basis, a local branch of "Alcoholics Anonymous". Appropriate publicity is displayed locally. Thirdly, education is given to schoolchildren about the problems associated with alcohol abuse. Fourthly, the Government's taxation policies ensure that alcohol consumption is not cheap. (The levels of taxation on alcohol are approximately equivalent to those in the United Kingdom.) Fifthly, the Government, bearing in mind that alcohol abuse might in part be caused by lack of entertainment or by boredom, has endeavoured to ensure that as wide a variety of entertainment as possible is available, either free of charge or cheaply.

National health policy

231. The national health policy of the Falkland Islands is largely indicated by the information given in preceding paragraphs. The Government is committed generally to maintaining and, if possible, improving the health of the population. It is likely to adopt all strategies appropriate in local circumstances to that end. In particular it is committed to ensuring:

(a) That medical care of the highest possible standard is available freely or at very reasonable charges to all persons living in the Falkland Islands, regardless of age, nationality, creed or sex;

(b) That the needs of the rural population (in Camp) are adequately catered for;

(c) That particular attention is paid to the needs of children and the elderly.

232. The Government is acutely aware of certain health problems of an international nature, for example Acquired Immune Deficiency Syndrome (AIDS) and the Human Immune Deficiency Virus (HIV). A sustained programme of

education on this subject is undertaken. Contraceptive sheaths are available free of charge from government sources. All schoolchildren (subject to their parents' consent) receive education on these subjects at an appropriate age. Both boys and girls (subject to their parents' consent) receive education and instruction in the use of various types of contraceptives and on the dangers of casual or promiscuous sexual intercourse. Human hygiene is taught in schools.

233. The Government has for a number of years maintained a programme for the eradication of hydatid disease. This is a disease caused by a parasite of sheep which, via dogs, can be transmitted to humans. The Government introduced legislation which prohibits the consumption of sheep offal, provides for the disposal of sheep offal, requires all dogs to be treated every six weeks and prohibits a dog being allowed to wander on its own. The population has cooperated fully in the implementation of this law. In 1990 the Government invited the whole population to provide a sample of blood so that laboratory tests could be undertaken to check for the presence of the disease. Participation was entirely voluntary but 95 per cent of the population participated. The laboratory tests, undertaken in the United Kingdom, established that no new cases of hydatid infection had occurred in those tested. (None are known in those not tested.) Those now affected are those who were affected before the programme was introduced.

Infant mortality rate

234. Information as to infant mortality in the Falkland Islands is given in the following table:

Deliveries in the Falkland Islands

Year	Live births	Stillbirths	Neonatal deaths	Maternal deaths
1982	22	1	0	0
1983	21	0	0	0
1984	13	2	1 a/	1 a/
1985	30	0	0	0
1986	19	0	0	0
1987	12	0	0	0
1988	16	1	0	0
1989	20	1	0	0
1990	29	0	0	0
1991	26	0	0	0
TOTAL	208	5	1	1

a/ These record the deaths of mother and baby due to the hospital fire.

Population access to safe water

235. The entire population of Stanley is served by a piped and treated supply of freshwater. The previous water supply system was badly damaged during the hostilities of 1982 and, as a priority, was fully replaced by 1989. At the same time a modern treatment works was installed.

236. In Camp, piped supplies of treated water are not available. Water is obtained from wells or boreholes, by extraction from an available surface freshwater source, or, in a few instances, by roof catchment. The potability of these supplies is monitored. No cases of disease due to impure water supplies is known to the medical department.

237. It is regretted that no statistics concerning water supplies to dwellings in Camp are available. The possibility of obtaining them by suitable questions in the next Census questionnaire will be borne in mind.

Population access to adequate excreta disposal facilities

238. All dwellings within the developed area of Stanley are connected to a main sewerage system provided by the Government. This uses a number of seawater outfalls. The Government has currently under consideration the replacement of the present sewerage system by a sewage treatment works with associated pumping stations and new main sewers where necessary. In 1988 the Government engaged a consultant to examine whether the present outfalls (which discharge into Stanley harbour) might present health or environmental hazards. He advised that no health problem was created, provided that shellfish were not taken from Stanley harbour for human consumption. For environmental reasons, he advised that some outfalls should be lengthened. This work is included in the Government's capital works programme. The seawater in Stanley harbour was analysed in January 1992. The e.coli present on analysis demonstrated that no risk to health existed, even to a person swimming in the harbour. Outside the developed area in Stanley, and in Camp, sewage disposal is by septic tank or cesspit, although in the case of a few coastal settlements in Camp a communal sewage outfall system is believed to be in use.

Immunization of infants

239. For the past five years all schoolchildren of under 11 years of age attending school have routinely been immunized against tetanus, polio, measles, mumps, rubella and whooping cough. A follow-up campaign of immunization of secondary schoolchildren and of booster injections is in progress.

Access to trained personnel for the treatment of common diseases and injuries

240. Please refer to the information given in paragraphs 214-220 above.

Life expectancy

241. No statistics are available. However the Government believes that the situation is very similar to that in the United Kingdom and the premiums charged on life assurance policies would appear to bear this out.

Proportion of pregnant women having access to trained personnel during pregnancy, and related information

242. All pregnant women in the Falkland Islands have access to trained personnel during pregnancy. Four of the nurses employed by the Government are qualified in the United Kingdom as midwives. All of the physicians have received training in obstetrics, although none of them is a specialist obstetrician. The medical authorities' policy is to encourage all pregnant women to have their confinements in hospital. Where, by reason of a woman's medical history or age or for any other reason, there is cause to fear any complication during confinement, the local medical staff endeavour to persuade the woman to agree to go to the United Kingdom, at no cost to her, for medical treatment for delivery. Some women refuse to do so.

243. As to the maternity mortality rate, see the table in paragraph 234 above. There has in fact been no death attributable to pregnancy or any condition associated with it during the period covered by this report.

244. All infants in Stanley have physical access to trained personnel for medical care and a postnatal clinic is operated at the hospital. For infants in Camp, physical access to trained personnel is not so readily available. They are seen on the regular medical visits and are regularly visited by the Government's health visitor. The "telephone clinic" referred to in paragraph 217 above is also available for their benefit.

245. Any woman can obtain advice on infant care or any related problem. If, from any information received, it is suspected that any kind of urgent problem exists which cannot be handled locally, this will be dealt with as described in paragraph 216. If the problem is not urgent, early arrangements are made for the mother to bring the child by air to Stanley or for a physician to see the child by an early visit by air. All women are offered appropriate advice in antenatal clinics and immediately following confinement.

Worse-off groups

246. The Camp population, because of the impossibility of immediate access to medical personnel, are to that extent worse off than the people of Stanley. This can be prejudicial in certain situations where immediate attention might preserve life: in the case, for example, of a heart attack or a severe injury.

247. There have been no negative changes affecting people in Camp during the reporting period. There has been a major positive change. At a cost of approximately £3 million the Government has provided a telephone system serving Camp. Ready access to a telephone is available to every household in Camp. Most households have their own. A significant factor motivating the Government to incur the expenditure was its desire to improve the access of people in Camp to medical care. A nationwide telephone emergency system is in operation at all hours on every day of the year. A person needs only to dial "999" and he will be connected to the person manning the emergency desk. The computer equipment at the exchange enables the source of the call to be traced at once.

248. It is difficult to envisage any further measures which could practically be taken to improve the physical and mental health care of the rural population, given the factual background explained in preceding paragraphs.

249. During the financial year 1 July 1990 - 30 June 1991, the Falkland Islands Government spent £1,701,627.18 on medical and dental care. This amounts to over £800 per capita. This expenditure, however, includes the marginal costs of providing medical services to persons other than the resident population. £800,703.41 was recovered by way of hospital and medical charges made by the hospitals in respect of these "non-entitled" persons, £14,240.00 by way of dental charges and £14,240.00 by way of charges for spectacles and baby food. The medical services levy (mentioned in para. 214 above) contributed £28,309.68. The shortfall was met out of the Government's general revenues. The total non-capital expenditure of the Government was £21,319,189.32. The expenditure of £1,701,627.18 mentioned above thus represents approximately 8 per cent of the Government's non-capital expenditure.

V. GIBRALTAR

General

250. Gibraltar has a population of 30,861 (1990 estimate) and an area of approximately 5.86 km^2.

251. Gibraltar continues to enjoy a large measure of internal self-government under the Gibraltar Constitution Order 1969.

Article 10

252. Women employees working for the Government and for official employers enjoy, without discrimination, a total length of 13 weeks maternity leave. During this period they are entitled to receive their full salary in addition to a maternity grant benefit.

253. Children and young persons in Gibraltar are fully protected from economic and social exploitation. Under section 29 of the Employment Ordinance, a child under 15 cannot be in gainful employment. Children in Gibraltar who are orphans or who are without their living biological parents are provided with food, shelter and good care in various child care homes in Gibraltar. Children who are deprived of a family environment, as well as handicapped children, are provided with a family and mental health allowance.

254. In Gibraltar, if the authorities find that the facilities available are not adequate to cater for a child who is acutely handicapped, physically or mentally, then the Government will provide the proper education by sending the child to an appropriate institution in the United Kingdom and will, in most circumstances, undertake the financial care and support of the child.

Article 11

255. In Gibraltar there is no poverty, no hunger and no malnutrition. Similarly there are no landless peasants, rural workers, rural unemployed workers or urban poor. All members of society have proper and full access to nutritious food in the market and there is no need for the Government to take any measures to guarantee such access. There is no agriculture in Gibraltar and therefore no need or scope for agrarian reform.

256. The principal legislation implementing the right to housing is the Landlord and Tenant Ordinance.* The Gibraltar Census Report 1981 (the latest available)* showed that there were no homeless individuals or families in Gibraltar. According to that Census, 65 per cent of the Gibraltarians lived in government-rented accommodation, 29.8 per cent in privately rented accommodation and 5.2 per cent owned their own properties. All Gibraltarians have ready access to basic amenities such as water, heating, waste disposal, sanitation facilities, electricity and personal services. There are no persons currently classified as living in illegal settlements or housing and there are no persons who lack legal protection against arbitrary eviction. The number of persons currently availing themselves of the Government Rent Relief Scheme is 460. This figure is fairly static. Eligibility to benefit from the scheme is based on the income of the persons involved.

257. The number of people on the government waiting list for housing is as follows: in 1990 there were 1,800; in 1991, 1,700; and in 1992, 1,100. The average waiting time for applicants who were at the top of the list was previously 20 years but this has now been substantially reduced as a result of the recent massive construction of buildings in Gibraltar by the Government for the purpose of purchase and renting by all residents of Gibraltar.

258. In 1981, the last year for which the relevant statistics are available, the following numbers of persons occupied different types of housing (by reference to the tenure indicated):

(a) Government rental properties: 4,503 individuals;

(b) Private rented property: 2,063 individuals;

(c) Owner occupied property: 361 individuals.

Article 12

259. Gibraltar enjoys fully the benefits of primary health care. This is provided through two local hospitals and a national health centre. Twenty-five per cent of the national budget is currently spent on health and this percentage is constantly increasing. The infant mortality rate is zero.

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* A copy of this Ordinance is available for consultation in the archives of the secretariat.

260. The entire population has access to safe water. One hundred per cent of the population has access to adequate excreta disposal facilities in the form of a fully implemented water carriage system.

261. Infants are immunized against diphtheria, pertussis, tetanus, measles and poliomyelitis.

262. The life expectancy of males in Gibraltar is 73 years. The life expectancy of females in Gibraltar is 78 years.

263. One hundred per cent of the population has access to trained personnel for the treatment of common diseases and injuries within less than one hour's walk or travel.

264. One hundred per cent of pregnant women have access to trained personnel and are attended by such personnel for delivery. The maternity mortality rate is zero. One hundred per cent of infants have access to trained personnel for care.

265. There are no groups in Gibraltar whose health situation is worse than that of the majority of the population.

266. There have been no changes in national policies, laws and practices negatively affecting the health situation of any groups in Gibraltar. In Gibraltar there are no vulnerable and disadvantaged groups living in worse off areas and no measures are therefore needed to improve the physical or mental health of such groups.

267. Measures taken by the Government in order to prevent stillbirths and infant mortality and to provide a healthy development of the child include the establishment of antenatal clinics, child welfare clinics, an immunization programme and well woman clinics, such as exist in the United Kingdom.

268. Measures taken by the Government to improve the environment and industrial hygiene include the enactment of the Public Health Ordinance. Additionally, the Government implements European Community EC Directives and monitors the potable water supply and the atmospheric pollution rate with precision and care.

269. Measures taken by the Government to prevent, treat and control epidemic, endemic, occupational or other diseases include the establishment of various institutions and programmes such as social school health clinics and health promotion and health education programmes. These involve the notification of infectious diseases and the carrying out of immunization programmes. In order to assure to all medical services and medical attention in the event of sickness, the Government provides a fully comprehensive primary and secondary health service. There are no groups in Gibraltar society who live in any worse off areas with respect to their access to health care.

270. The Government has ensured that health care for the elderly is maintained and is constantly improving. Services are contained in various elderly institutions, the main one being Mount Alvernia, where the elderly are properly taken care of. The elderly are, in addition, eligible to receive reduced prescription charges.

271. In Gibraltar the Government employs full-time health education officers and promotes campaigns in schools and other institutions to ensure that health problems are prevented and controlled. Gibraltar receives no international financial assistance with respect to health care but the World Health Organization provides the Gibraltar authorities with its relevant literature.

VI. HONG KONG

General

272. Hong Kong has a population of 5,674,000 (1991 estimate) and an area of approximately 1,075 km^2.

273. Hong Kong is a Dependent Territory of the United Kingdom, administered by a Governor, aided by an Executive Council, and a Legislative Council. Under the terms of the Sino-British Joint Declaration on the Future of Hong Kong, Hong Kong will become, with effect from 1 July 1997, a Special Administrative Region of the People's Republic of China.

Article 10

Overview

274. Considerable progress has been made in achieving the rights recognized in article 10 of the Covenant since the submission of the last report concerning articles 10 to 12. During the current reporting period the scope and quality of social welfare and health services have expanded significantly. Notable developments include:

(a) The introduction in 1982 of a fees assistance scheme to assist families with social needs and low incomes to pay for child care centre services;

(b) The establishment in 1983 of the Child Protective Services Unit within the Social Welfare Department to provide for closer attention to the welfare of abused children;

(c) Improvements to the adoption service including amendments to the Adoption Ordinance, the streamlining of adoption procedures, the establishment of a monitoring system and the centralization of a pre-adoption service;

(d) The implementation in 1990 of a family aid service to provide training in home management to clients receiving counselling on family-related problems;

(e) The appointment in 1990 of a Commission on Youth to advise the Administration on matters pertaining to youth; and

(f) The enactment in June 1991 of the Bill of Rights Ordinance which incorporated provisions of the International Covenant on Civil and Political Rights as applied to Hong Kong into the law of Hong Kong. These include articles 23 and 24 of the Covenant concerning rights in respect of marriage and family and rights of children.

275. In January 1990, a working party was set up by the Hong Kong Administration to conduct a review of social welfare services and to draft a white paper setting out the future direction of social welfare development in Hong Kong. After extensive public consultation, the White Paper on Social Welfare into the 1990s and Beyond was published in March 1991. It recognized that new needs and problems are emerging which will require greater efforts in the context of the future provision of family and child welfare services. Family casework and counselling will remain the principal means whereby individuals and families are assisted to understand and deal with family problems. The Government will try to meet the demand for these services in full and allocate available resources flexibly in accordance with the needs of different areas.

Protection of the family (para. 1)

276. A family welfare programme is well established in Hong Kong. The overall objectives of family welfare services are to preserve and strengthen the family as a unit and develop caring interpersonal relationships; to enable individuals and family members to prevent personal and family problems and cope with them when they arise; and to provide for needs which cannot be met from within the family. With these objectives in mind, support services have been developed to assist families when they are unable to discharge their caring and protective functions satisfactorily. The problems dealt with are mainly family relationship problems, child welfare, behavioural/emotional problems of young people and problems involving accommodation, finance and physical or mental health. Services provided include counselling, arrangements for schooling, training, employment, housing, financial assistance, home help service, family aid service, free legal advice, medical attention and residential service for vulnerable groups such as children, unmarried mothers, the aged and disabled people. A network of family services centres is operating on an area basis to bring services closer to those who need them. To preserve and strengthen the family as a unit, a comprehensive programme of family life education has been provided at the central and district levels since 1979.

Rights in respect of marriage (para. 1)

277. The right of men and women voluntarily to enter into marriage with their full and free consent is guaranteed under the Marriage Ordinance. The Marriage Reform Ordinance further makes it clear that, on or after 7 October 1971, the customary marriages of "Kim Tiu" (i.e. bigamy for the purpose of propagation of the future generations of two or more branches of the same family) and the custom of "sampotsai" (i.e. betrothal of a child bride brought about without her consent) have been rendered illegal.

278. Section 18 of the Marriage Ordinance has been amended. The age at which a male or female can marry is 16 years. Parental consent is required if the person intending to marry is under 21 years of age. Until the enactment of the Age of Majority (Related Provisions) Ordinance in 1990, a person under the age of 21 who had been refused consent to marry by a parent or guardian could not marry. The Marriage Ordinance as amended now provides that, where consent has been withheld by a parent or guardian, the person affected can ask a district court judge to consent to the marriage and his consent shall have the same effect as if it had been by the person whose consent is refused.

279. In 1991, these measures were further strengthened by the enactment of the Hong Kong Bill of Rights Ordinance, article 19 (2) of which recognizes the right of men and women of marriageable age to marry and found a family. Article 19 (3) states that no marriage shall be entered into without the free and full consent of the intending spouses.

Maternity protection (para. 2)

280. Under the Employment Ordinance, a female employee is entitled, subject to the fulfilment of certain qualifications of service, to maternity leave. A female employee who has worked for the same employer under a continuous contract for a period of not less than 26 weeks is entitled to maternity leave, but not to wages during the leave unless her contract of employment provides for such payment. If she has worked continuously for her employer for a period of not less than 40 weeks before the expected date of commencement of her maternity leave and has no more than two surviving children, she is entitled to be paid during such leave at not less than two thirds of her normal rate of pay. Maternity leave normally begins four weeks before the expected date of confinement and ends six weeks after the actual date of confinement. An employee can give notice of her intention to take maternity leave to her employer at any time after her pregnancy has been certified. If she has worked for her employer for not less than 12 weeks prior to tendering such notice, she is protected from termination of employment by her employer during the period between the date on which she gives such notice and the date on which she is due to return to work.

281. Proper antenatal and postnatal care for a pregnant female prisoner is provided by the Prison Medical Service. The newborn child is allowed to stay in a prison institution with the mother during the normal period of lactation. The child may remain in the institution until the age of three or when the mother has completed her sentence, whichever is the earlier. Appropriate welfare will be provided if the child needs further care.

Protection of children and young persons (para. 3)

282. Under the Age of Majority (Related Provisions) Ordinance 1990, the age of majority is 18 in the absence of any contrary provision in a document or Ordinance under consideration. Nevertheless, under section 39 of the Probate and Administration Ordinance and section 38 (2) of the Trustee Ordinance a person under the age of 21 will remain incapable of being appointed as the sole executor of a will or sole trustee of a trust. The minimum age for voting at elections is also set at 21, by section 9 of the Electoral Provisions Ordinance.

283. The overall objectives of child welfare services in Hong Kong are to support and strengthen families so that they may provide a suitable environment for the physical, emotional and social development of their children and to provide assistance to those disadvantaged and vulnerable children who are not adequately looked after by their families. The primary responsibility for the adequate care of children rests with parents and the separation of children from their families should be tolerated only when there is no better alternative. Society has an obligation to protect children from all forms of maltreatment and to provide services for the prevention and treatment of abuse.

284. All children and young persons are protected from moral and physical danger under the Protection of Women and Juveniles Ordinance without discrimination for reasons of parentage or other conditions. Statutory protective care is provided by the Social Welfare Department in the form of supervision and/or residential care for males and females under 18 years of age whose parents or guardians do not exercise proper care over them and for those under 21 years of age who have no parents or guardians or who are adopted other than by court order. There is a Child Protective Services Unit to provide intensive casework service to children who are being abused and an Adoption Unit to provide services for the adoption of children. A child Custody Services Unit is also established to assist courts to conduct social inquiries on child custody and guardianship cases and to carry out statutory duties in respect of supervision cases arising from custody/guardianship matters.

285. The Child Care Centres Ordinance and Regulations enacted in 1975 ensure that children are adequately cared for and supervised in child care centres. The Child Care Centre Advisory Inspectorate of the Social Welfare Department deals with all matters related to the implementation of the Child Care Centres Ordinance and provides supervision over child care centres. A fee assistance scheme was set up in 1982 through which parents who have a need to put their children in child care centres and who are unable to pay the fees are given financial assistance. As at 31 December 1991, 8,047 children are receiving such assistance.

286. The minimum age for all employment in Hong Kong was raised from 14 to 15 on 1 September 1980 in line with the implementation of the policy on compulsory junior secondary education up to the age of 15, subject to the exceptions below.

287. The Employment of Children Regulations 1979 prohibit the employment of any child under 15 years of age in any employment, except that those aged 13 and over may be employed in a non-industrial establishment subject to certain restrictions, namely (i) they cannot be employed in any prohibited occupation listed in the Schedule to the Regulations; (ii) they cannot work before 7 a.m. or after 7 p.m.; (iii) in respect of children who have completed three years, i.e. Form 3, of secondary education, the hours of work per day are limited to a maximum of eight hours; and (iv) in respect of children who have not completed three years, i.e. Form 3, of secondary education, the hours of work per day are limited to two hours during school days, four hours on other days during school terms and eight hours during the summer holidays, and they are required to produce school attendance certificates to show that they are

attending school full time. The Regulations also require that a child employed at work should have not less than one hour's rest after five hours' continuous work. The aim of the Regulation is to prohibit employment which would interfere with children's schooling or would endanger their moral and physical health, and at the same time maintain flexibility to allow for employment. Contravention of the Regulations carries a maximum fine of $HK 20,000 ($US 2,750).

288. Children who have attained the age of 14 but are under 15 may be employed under the Apprenticeship Ordinance. The Governor has specified 42 trades as designated trades under the Ordinance. In a designated trade, an employer can employ a young person aged between 14 and 18 only as an apprentice under a contract of apprenticeship registered with the Director of Apprenticeship.

289. In addition, children under the age of 15 and any female under the age of 18 are prohibited under the Dutiable Commodities (Liquor) Regulations from working in premises licensed to sell liquor at any time between 8 p.m. and 6 a.m. Employment of any female under the age of 18 years in these premises between 6 a.m. and 8 p.m. is also prohibited except with the written permission of the authorities.

290. The Employment of Young Persons and Children at Sea Ordinance stipulates that no child under 15 years of age shall be employed or permitted to work as a member of the crew of any vessel other than a vessel upon which only members of the same family are employed.

291. As regards young persons aged between 15 and 17 employed in industrial undertakings, their hours of work and rest periods are regulated by the Women and Young Persons (Industry) Regulations 1980 made under the Employment Ordinance. The standard working hours for young persons aged between 15 and 17 in industry are 8 hours a day and 48 hours a week. However, by agreement between the employer and the young person employed, the working hours may exceed 8 in a day or 48 in a week provided that the total number of hours worked by the young person does not exceed 96 in any two consecutive weeks and the maximum working hours per day do not exceed 10. Young persons must have a rest interval of not less than half an hour after five hours' continuous work.

292. The same regulations prohibit the employment of young persons for night work. The regulations stipulate that young persons aged between 15 and 17 working in an industrial undertaking shall not be employed earlier than 7 a.m. or later than 7 p.m. However, young persons aged between 16 and 17 are permitted to work up to 11 p.m. in the case of shift work. Overtime employment for young persons aged between 15 and 17 is prohibited.

Article 11

Continuous improvement of living conditions

293. There has been significant improvement of the standard of living of average Hong Kong people during the current reporting period. The per capita gross domestic product (GDP) in 1991 at current market price was about $HK 110,000 ($US 14,200). This represents a growth by 64.1 per cent in real

terms over the per capital GDP in 1981. The median monthly household incomes in 1981 and 1991 at current market prices were $HK 2,955 and $HK 9,964 respectively. After discounting the consumer price inflation during the same period (which amounts to about 114 per cent in terms of Consumer Price Index (A)), the growth in real terms is still substantial. In addition, the fact that 42 per cent of Hong Kong households owned their own homes in 1990, as compared to 28 per cent in 1981, also reflects the growing affluence of the population.

Right to adequate food (paras. 1 and 2)

294. The Hong Kong Government recognizes the right of everyone to be free from hunger. Through a combination of imported food and primary production in Hong Kong, an adequate supply of food is always available for the whole community. The limited area of land available for agricultural use has led to continuous research to ensure the most economical and productive utilization of such land.

295. As regards the measures that have been adopted in Hong Kong and the progress made in achieving the observance of the rights recognized, a programme of agricultural and fisheries development activities has been undertaken. The overall objective is to facilitate the supply of food to the population of Hong Kong. The specific objectives are:

(a) To provide for efficient wholesale marketing of fresh primary food products;

(b) To apply to imported staple foodstuffs the minimum effective controls necessary to maintain supplies;

(c) To promote the development and to increase the productivity of such agriculture and fisheries as is economically viable and as contributes to Hong Kong's food supply;

(d) To ensure that a proportion of Hong Kong's food supply is produced locally;

(e) To devise and administer such legislation on animal and plant diseases as may be necessary; and

(f) In times of shortages, to assist in the search for alternative sources of supply.

296. The standards of provision are:

(a) Orderly and hygienic wholesale facilities;

(b) The limitation of the number of registered rice importers to 46;

(c) The complete control and prevention of all types of plant and livestock pests and diseases.

297. To implement the programmes in respect of agricultural industries, the Government undertakes applied and adaptive research as necessary, provides diagnostic and ancillary services, gives technical, managerial and financial advice and assistance, and assumes development responsibilities - especially in the form of irrigation projects. Producer associations and the orderly marketing of local farm produce are actively promoted and regulated. New concepts, techniques and material inputs to the industry are evaluated, and actively promoted when it is advantageous to do so. Controls are enforced to prevent the introduction and spread of plant and livestock pests and diseases; and to ensure economic and efficient production levels, as well as production to acceptable standards of quality and hygiene. Vocational and technical training is provided for those directly and indirectly engaged in the industries.

298. Owing to the demands of an ever-increasing population, Hong Kong continues to lose agricultural land to urban development. This tends to decrease agricultural production but is compensated to some degree by the adoption of more intensive farming practices, and the implementation of an agricultural land rehabilitation scheme to return fallow land to production.

299. In implementing the programme in respect of the fishing industry, the Government undertakes exploratory fishing, applied and adaptive research as necessary, introduces and designs new craft gear and equipment, gives technical, managerial and financial advice, and assumes specific development responsibilities. The industry is encouraged to modernize and otherwise improve on traditional designs and techniques. Notable success has been achieved in a relatively brief period. Producer associations are strongly encouraged, and the orderly marketing of local fishery products is actively promoted and regulated. Vocational and technical training is provided for the industry, for example, navigation and engineering courses for fishermen, and marketing and management courses for those in ancillary sectors.

300. To implement the programmes in respect of the wholesale marketing of food products, the Government provides, administers and manages wholesale markets for fresh primary food products. Apart from the provision of temporary wholesale markets as a quick and interim means of addressing the pressing need to replace old and congested wholesale markets, the Government plans to build and manage two modern integrated wholesale market complexes for imported vegetables, fruit, eggs, freshwater fish and poultry. Phase I of the first wholesale market complex was completed in August 1991 and the second complex is scheduled to start operations by August 1993.

301. As a result of continuing growth in the economy and the measures adopted, the nutritional status of the population of Hong Kong has risen over the years as indicated in FAO statistics:

Daily per capita consumption

Period	Calories (No./day)	Protein (gm/day)	Fat (gm/day)
1987-1989	2 845	86.8	111.1
1979-1981	2 771	81.8	114.3
1972-1974	2 642	78.6	92.6

Right to adequate housing (para. 1)

302. The Government's major task in the improvement of living conditions lies in the development of public housing.

303. About 2.9 million people (representing about 52 per cent of the population) are living in various types of assisted housing: 44 per cent in 645,000 public rental flats and 8 per cent in 137,000 home ownership flats. This represents a significant growth compared with the figure of about 1.9 million people (or 42 per cent of the population) in 1979/80. Despite this, there is still an outstanding demand for adequate housing mainly for two reasons: (i) the population has increased by more than 7 per cent during the last decade, owing to natural growth and immigration; (ii) Hong Kong families want continuously better quality housing at a price which they can afford. With land so very scarce and rents and prices of flats in the private sector among the highest in the world, the aspirations of the lower income groups for a better living environment will have to be met largely by the Government.

304. As at the third quarter of 1991, there was a total of 1,886,500 living quarters in Hong Kong, of which 813,400 (43 per cent) were public housing flats, 960,100 (51 per cent) private flats and the remaining 112,900 (6 per cent) temporary structures. Together they provided housing for 1,601,700 households in Hong Kong.

305. Under current policy, persons genuinely homeless may apply for shelter in a transit centre, and subject to verification, will be offered a space in a temporary housing area managed by the Housing Authority. According to the records kept by the Social Welfare Department, there were about 1,100 street sleepers as at the end of January 1992.

306. Services for street sleepers, including a counselling service, financial and material assistance and referrals for residential care, are provided by the Family Services Centre of the Social Welfare Department. These are supported by other units such as social security field units and medical social services units. Street sleepers with more serious difficulties, such as those who are mentally ill, are handled by outreach teams. Voluntary organizations also provide services for street sleepers, including day relief centres, temporary shelters and hostels.

307. The Hong Kong Housing Authority, constituted in 1973, is responsible for advising the Governor on matters relating to housing and for the planning, construction, management and coordination of all aspects of public housing and associated amenities. It also acts as the Government's agent to clear land, prevent and control squatting, and maintain improvements to squatter areas.

308. The Housing Authority was reorganized on 1 April 1988 following the announcement of a long-term housing strategy (LTHS) in 1987. The LTHS provides a framework for the development of future housing programmes up to 2001. It aims to satisfy all the outstanding demand for public rental flats and that for home ownership by the turn of the century, to clear all urban squatters and temporary housing areas by the mid-1990s and to redevelop old public rental estates with substandard facilities. Under the revised

financial arrangements, the Government has given a financial commitment of about US$ 1.3 billion to support the public housing programme and to provide land for public housing on concessionary terms. The Housing Authority has therefore greater financial autonomy in implementing the strategy effectively.

309. There are now about 292,000 people living in squatter areas in Hong Kong. Under a squatter area improvement programme costing about US$ 23 million, about 140,000 persons have benefited from the seven-year programme. There are still 84,000 persons living in temporary housing areas (THAs) and cottage areas. The current programme is to provide about 40,000 public housing flats a year for rent and sale. Between 1985/86 and 1990/91, a total of 273,000 public housing flats were produced. Between 1991/92 and 2000/01, a total of 380,000 public housing flats will be produced, of which 199,000 will be produced in the first five years.

310. The number of applicants on the waiting list for obtaining assisted housing is 166,000 (involving a total of 490,000 persons). The average waiting time is 5 years (ranging from 4 months to 12 years, depending on the district chosen by the applicant). A number of measures have been taken to shorten the list. These include providing allocation to those considered to be in genuine need of housing in four months' time and to hardship cases in the compassionate rehousing category in two months.

311. To enable lower-middle income families to own their homes, the Government introduced a home ownership scheme in 1976 and a private sector participation scheme in 1978. These flats are sold to eligible families, exclusive of land value, at prices which are about 30 per cent below market levels. The discount rate may vary in different sales exercises depending on prevailing market conditions, but the overall aim is to ensure that about half of the flats on offer are affordable to families within a prescribed income limit in any one sales exercise. Concessionary mortgage arrangements are offered to these families with interest rates slightly below market rates and repayment over 15 years. The home ownership rate in the public sector has increased threefold from 5 per cent in 1982/83 to 19 per cent by 1991/92. It is estimated that by 2001, the home ownership rate in the public sector stock will go up to about 39 per cent.

312. Old estates with substandard facilities have been redeveloped under the Comprehensive Redevelopment Programme. Since 1972, 307 old public housing blocks have either been demolished or converted to provide self-contained homes, thereby improving the living conditions of about 645,000 people. Another 413 blocks, affecting about 517,000 people will be cleared by 2001.

313. There has been a continuous improvement in the planning and design of public housing estates and their amenities. Estates built in recent years are all self-contained, complete with ancillary facilities such as shops, market stalls, restaurants, schools, clinics, welfare centres, kindergartens, community halls and play areas. Facilities for elderly and disabled people and other special groups are also provided where possible. A new rental block design has been introduced in recent estate layouts to provide a better internal and external environment, with greater emphasis on quality and flexibility.

314. The Planning Development and Territory Development Department are now carrying out planning and development works in nine new towns, including the latest new town to be developed in support of the new airport project, and several rural townships, to accommodate approximately 3 million people by 2000. As a result of this major programme the population of the New Territories has already risen from 1.6 million in 1985 to 2.3 million in 1991. The new towns are provided with a high standard of housing, community facilities, transport and employment opportunities. Extensive landscaping is also provided to foster an attractive environment for new town residents.

315. A priority in land supply is to make sufficient land available for construction of residential accommodation. In 1991, the private sector produced over 33,400 units and is expected to produce 33,500 units in 1992. The majority of these units are small- or medium-size flats of 100 m^2 or less.

316. About 74 per cent of private housing is owner occupied. Most of the remaining private rental housing is subject to the application of the Landlord and Tenant (Consolidation) Ordinance. Essentially this provides security of tenure to all protected tenants and controls rent increases for domestic flats built before June 1981 and for tenancies created before June 1983; such rent increases are permitted to rise gradually towards market levels; generally by maximum increases of 30 per cent every two years subject to a new rent not being less than a certain percentage of the prevailing market rent of the premises (which is at present 70 per cent).

317. In 1991, the Government promulgated the Metroplan which aims to restructure the city and improve the living conditions of the urban areas. The primary objective of the Metroplan is to thin out the existing congested areas and improve the urban living environment. The population in urban areas will be kept at about 4.2 million.

Article 12

Right to health

Paragraph 2 (a)

318. The Family Health Service of the Department of Health is responsible for promoting and maintaining the health of women of child-bearing age and children from birth to five years of age. It provides a comprehensive range of health-care services, both preventive and curative, to these groups through 45 maternal and child health centres and 48 family planning clinics.

319. The effect of promotional and preventive health programmes can be reflected in various health indices. From 1980 to 1990, the infant mortality rate fell from 11.8 to 5.9 per thousand live births. During this period, life expectancy at birth increased from 71.6 years for males and 77.9 years for females to 74.6 years and 80.3 years respectively. The maternal mortality rate remains very low at 0.04 per thousand total births in 1990.

320. The Comprehensive Observation Service of the Family Health Service aims at early detection of developmental abnormalities among children from birth to the age of five so that early remedial treatment can be initiated. Developmental screening tests are performed at different key ages and children with suspected abnormalities are referred to relevant specialist clinics and child assessment centres for further assistance.

321. The child assessment centres serve children from birth to 11 years old. They provide comprehensive physical, psychological and social assessment, as well as treatment, parental counselling and referral for appropriate placement of the children in the various institutions and centres run by the Government and voluntary agencies. At present, there are five multidisciplinary child assessment centres in operation.

Paragraph 2 (b)

322. As regards industrial hygiene, the Occupational Health Division of the Labour Department works to maintain and improve the physical and mental well-being of workers and to protect them against health hazards arising from employment. It provides an advisory service to the Government and the public on matters concerning the health of workers and the hygiene of the workplace and supervises the health standards and practices in industry. A major responsibility of the Division is to investigate notified occupational diseases and potential health hazards for the determination of preventive action. In addition, the Division also conducts surveys in various industries on health and hygiene conditions, assists in the medical assessment of injured workers and promotes education in occupational health and control of industrial health hazards.

Paragraph 2 (c)

323. The prevention, treatment and control of epidemic, endemic, occupational and other diseases present no difficulties.

324. The immunization programme in Hong Kong protects children from nine common childhood infections, namely, measles, mumps, rubella, diphtheria, whooping cough, tetanus, poliomyelitis, tuberculosis and hepatitis B. The major communicable diseases are under control and no epidemic has been reported.

Paragraph 2 (d)

325. Major developmental projects include the full commissioning of two new hospitals with over 1,600 beds each, as well as a convalescent and infirmary hospital with over 1,000 beds. Together with other extension and reprovisioning work on existing hospitals, an additional 7,900 beds are expected to be available by the end of this decade, bringing the total number of public hospital beds to 29,800. The ratio of public hospital beds to population will improve correspondingly from 3.8:1,000 in 1951 to 5.0:1,000 in 1999.

326. The management responsibility for all public hospitals has been brought under the Hospital Authority since December 1991. The Authority is established with the statutory functions of advising the Government on the public needs for hospital services and the resources required to meet those needs as well as to manage and develop hospital services in a way conducive to achieving greater efficiency, more public participation and better patient care.

327. Training in dentistry started in 1980 at the University of Hong Kong, which is supported by the Prince Philip Dental Hospital. The Tang Shiu Kin Dental Therapists Training School has offered an intensive three-year training programme for student dental therapists since 1978.

328. The School Dental Care Service, introduced in 1980, provides regular dental examinations, simple dental treatment and oral health education to primary school children. In 1990, 400,921 school children participated, representing 74 per cent of the primary school population.

329. Medical care is delivered at two levels: primary health care at out-patient clinics and health centres and in-patient care at hospitals. At the end of 1990, there were 6,260 medical doctors and 25,286 hospital beds. A comprehensive, almost free, medical service functions in Hong Kong whereby anyone in need is assured of medical care and attention in the event of sickness.

330. There have been recent improvements to primary health care, including the introduction of a medical records system and an appointments system at general out-patient clinics and of a pilot scheme to organize primary health care on a district basis with community participation.

Right to a healthy environment (para. 2 (b))

331. The 1980s saw the development of comprehensive control legislation for all areas of pollution. By 1989 an adequate legislative framework was in place, and a 10-year Environmental Protection Strategy was produced. This was embodied in the White Paper on Pollution, the Sewage Strategy, and the Waste Disposal Plan, all completed in 1989. The 10-year strategy sets target dates for the achievement of a substantial number of environment pollution aims.

332. The Water Pollution Control Ordinance, first enacted in 1980, is the principal ordinance to control the pollution of the waters of Hong Kong. In 1990, comprehensive amendments to the Ordinance were made to impose stringent control of all discharges and deposits within specified water control zones through a licensing system administered by the Environmental Protection Department. Controls are now in force in six water control zones. The remaining territorial waters are planned to come within regulatory controls by 1995. Marine dumping activities are controlled by a licensing scheme under the Dumping at Sea Act 1974 (Overseas Territories) Order 1975. Disposal is normally restricted to uncontaminated dredged spoil materials. A comprehensive sewage strategy was adopted in 1988. It provides for stronger legislation to control effluent disposal, local sewerage improvements

through 16 regional sewerage master plans, and a four-stage strategic sewage disposal scheme to transfer sewage collected in urban areas to a central sewage treatment plant on the Stonecutters Island before its disposal via a 30 km oceanic outfall. Detailed design or construction works for six sewerage master plans have started, whilst studies of the remaining master plans are either under way or will commence in the near future according to a phased programme. Detailed design of the first phase of the disposal scheme is expected to start in 1992.

333. The Waste Disposal Plan, published in December 1989, detailed initiatives on the disposal of solid waste outlined in the White Paper, "Pollution in Hong Kong - A Time to Act". Three major strategic landfills in the New Territories, serviced by a network of refuse transfer stations, will be constructed to replace older urban landfills and incinerators. The first of these refuse transfer stations, at Kowloon Bay, was commissioned in April 1990 and a second station is under construction at Chai Wan. Consultancies on others, at Shatin and Hong Kong Island West, are progressing. Work on the strategic landfills is also well advanced. Tenders for the design, construction and operation of the West New Territories landfill, as part of a unified contract, have been called and tender preparation for the other two landfills is nearing completion.

334. The construction of a chemical waste treatment facility on Tsing Yi is under way and the facility is due to be commissioned late in 1992. This has enabled the passage of specific Regulations under the Waste Disposal Ordinance to impose, for the first time, strict controls on the production, transport and disposal of chemical wastes in the Territory.

335. New initiatives for the coming years include further amendment of the Waste Disposal Ordinance designed to tighten up and regulate the disposal of municipal waste and impose controls on the transboundary movement of all wastes. On the construction front, several more refuse transfer stations are scheduled for construction as is a new centralized incineration facility to handle special wastes, including those from abattoirs and pathological waste from medical facilities.

336. The major vehicle for control of air pollution is the Air Pollution Control Ordinance 1983. Control of ozone depleting substances is achieved by the Ozone Layer Protection Ordinance 1989 (the requirements of the Montreal Protocol are being fully met). During 1989, the whole Territory was declared an Air Control Zone, in which the stipulated air quality objectives are required to be met. During 1990, the Air Pollution Control (Fuel Restriction) Regulations reduced the maximum permitted level of sulphur in industrial fuel oils from 2.5 to 0.5 per cent. As a result, levels of sulphur dioxide in the air dropped sharply.

337. 1991 saw the initiation of a systematic strategy to control motor vehicle emissions. The Road Traffic (Amendment) Ordinance 1991 gave powers to set up centres for the testing of motor vehicle emissions, to call vehicles suspected of having poor emissions for testing and to deregister vehicles which failed

such tests. Large numbers of volunteer "spotters" identify vehicles with suspect emissions for checking. The Air Pollution (Amendment) Ordinance 1991 provided for the introduction of unleaded petrol and the Air Pollution Control (Vehicle Design Standards) (Emission) Regulations 1991 made it mandatory for all petrol driven vehicles registered from 1 January 1992 to be fitted with catalytic converters and to be capable of working only on unleaded petrol.

338. A major publicity drive to get vehicle owners to switch to unleaded petrol saw 56 per cent of petrol sales switch to unleaded petrol within the first 10 months of the petrol going on sale. A major revision of the Air Pollution Control Ordinance, which should be enacted in the very near future, introduces a comprehensive scheme of control for environmental asbestos, action to remove the exemption from licensing of certain previously exempt polluting industries, a tightening of control on "nuisance" emissions and a statutory scheme whereby stated levels of chemicals are automatically considered "dangerous to health" wherever found.

339. The Noise Control Ordinance 1988 provides a comprehensive framework of control of noise pollution. It provides in particular for controls on percussive piling and on the use of powered mechanical equipment at night and at weekends and on public holidays. The Noise Control (Handled Percussive Breakers) Regulations 1991 and the Noise Control (Air Compressors) Regulations 1991 provide for detailed controls on two particularly noisy types of equipment. A further revision to the Noise Control Ordinance (for introduction in 1993) will further tighten up controls on construction noise.

340. A comprehensive package of legislation is under consideration to control effluent from livestock farms flowing into environmental waters. This package of legislation, involving a licensing scheme for livestock farmers, is expected to be enacted in 1993-1994.

341. The Energy Efficiency Advisory Committee was established in 1991 to advise on an appropriate policy on energy efficiency. Action to improve the efficiency with which energy is used in commercial buildings is expected to begin in 1992-1993. Action is also in hand to consider introduction of a maximum permitted overall thermal transfer value to the design of commercial buildings. Both these initiatives are based on the need to minimize the pollution caused by the production of energy.

342. During 1991, a number of initiatives were introduced not only to improve the planning process to ensure that the environmental impact of developments was properly quantified and any damage caused rectified, but also to try to rectify problems caused by past decisions. It was agreed in early 1992 that environmental impact assessments were to be released for public information. Various environmental protection measures are to be included in the major revision of the Town Planning Ordinance, which is expected to be enacted within the next two years.

VII. MONTSERRAT

General

343. Montserrat has a population of 11,924 (1989 estimate) and an area of approximately 103 km^2.

344. Montserrat enjoys internal self-government in accordance with the provisions of the Constitution contained in Schedule 2 to the Montserrat Constitution Order 1989, which came into force on 13 February 1990.

Article 10

Protection of the family

345. Provided that the parties are of the legal age to enter into marriage, no restraints are place on them; but where they are not of that age, consent of the parent(s) or legal guardian is required.

346. Where it is necessary to furnish financial assistance to families for housing, and upon the making of proper application and the satisfaction of the means test required, such benefits are granted.

347. Certain benefits in the form of family allowances are allowed to families upon the making of proper application. The services of day-care centres are provided at a nominal fee.

Maternity protection

348. Every expectant mother, regardless of marital status, is entitled to receive free antenatal care and all deliveries take place in hospital.

349. Special protection is given to working mothers by way of leave entitlement under local labour standards and practices, now reinforced by the Employment Ordinance 1979, which provides for a minimum of 28 working days' maternity leave with the possibility of extension where appropriate.

350. No special protection is provided in favour of self-employed working mothers, but where extreme hardship is encountered in such cases needs will be met on an ad hoc basis.

351. Where a worker's death is caused by an industrial accident, benefits will be available to his dependants under the provisions of the Workmen's Compensation Ordinance. In other cases, protection would be provided on an ad hoc basis.

Protection of children and young persons

352. Protection for children and young persons is given by the Education Act, in particular its sections 14 and 15; the Employment of Children Prohibition Act, section 3; and the Employment of Women, Young Persons and Children's Act,

in particular its sections 4, 5 and 7. There is, in the affording of such protection, no discrimination on account of birth, parentage, social origin or other condition.

353. Administrative measures are taken to provide the necessary protection for deprived and disabled children.

Article 11

354. The Government has concentrated its efforts on a variety of measures to improve the standard of living among all sectors of the population. These include the provision of assistance to lower-income groups by financing a school feeding programme and by offering free medical services to persons with chronic diseases, such as diabetes, hypertension or mental illness.

355. The island is experiencing high employment, with those who are able to work finding employment in the various sectors - especially in the construction sector, where it has been necessary over the past few years to recruit labour from overseas.

Right to adequate food

356. There is no legislation providing specifically for the right to adequate food, but in general this right is protected by custom and practice.

357. The Government has acquired arable land for distribution to farmers for cultivation. Some of this land has, however, more recently been utilized to satisfy the growing demand for housing and rural community expansion. Ploughing and fertilizers are provided at moderate cost. Farmers are being educated in the use of available equipment to obtain the maximum yield at minimum cost. Efforts are also being made to discourage people from allowing arable and fertile land to remain idle for too long.

358. Adequate transport facilities are available for food distribution.

359. The Food and Nutrition Committee has replaced the now dormant National Nutrition Council. The main functions of this Committee are to coordinate activities, to advise on the various nutrition programmes being undertaken by different sectors and to identify priority areas to be developed. The Consumers' Association, which at an earlier stage played a role in overseeing the quality and safety of food supplies, has been inactive for some years, but is to be revived.

360. No statistics relating to the right to adequate food are available. Since, however, the general health of the community is good, it may be concluded that this right is, in the main, realized in Montserrat.

Right to adequate clothing

361. There are no laws specifically governing the right to adequate clothing, but this right is protected in practice.

362. Clothing requirements are mainly met from imports, but some local manufacture takes place to supplement these. The cost of items of clothing is usually within the reach of consumers, whatever their place in society may be.

Right to housing

363. There is no law making provision for the right to housing, but in general this right is promoted in practice.

364. Import duty on materials for the purposes of building construction is very low, the aim being to keep down building costs so that most, if not all, categories of the population may have a good chance to build houses. In very needy cases funds are made available for self-help housing programmes. Since 1984 it has been a specific policy of the Government to assist low- and middle-income groups to acquire and own their homes. Funds for this purpose were raised by the sale of development bonds.

365. Most of the builders in the Island have received training abroad at institutions which are recognized worldwide. Plans for building have to be scrutinized by the appropriate government departments before approval is given. Any inherent defect would, therefore, in all probability be discovered and cured before final building permission was granted.

366. The electricity services and the water authority, both of which are statutory bodies, work in conjunction with each other to ensure that the necessary facilities are provided. The sanitation department takes care of sanitary conditions in all areas, including rural areas.

367. There is no legislation providing specifically for the protection of tenants, but protection is given under the general law of the land.

368. No statistics relating to the right to housing are available, but the overall situation leaves no real room for doubting that this right is in practice realized in Montserrat.

Article 12

369. As indicated above, every expectant mother is entitled to receive free antenatal care and all deliveries take place in hospital. Infant welfare clinics are held regularly, milk powder is supplied to needy young children and a low-cost school feeding programme is in operation.

370. Industrialization is minimal and presents no hazard in the near future. A garbage collection programme, with sanitary landfill as the final step, is in operation.

371. A comprehensive immunization programme for children, offering protection against tuberculosis, whooping cough, smallpox, tetanus, poliomyelitis, measles, mumps and rubella, has been in effect since 1978 and there has been no recorded case of any of these diseases for a long time. The Department of health maintains a surveillance programme in addition to conducting regular physical inspections of premises.

372. Small clinics are situated at strategic points throughout the Island and each is manned by the resident district nurse. There is a weekly visit by the district doctor. Hospital care is provided free of charge to all who wish to be warded in the public area.

373. There are five government-employed doctors who provide medical care free of charge to all children and the elderly, and on a paying basis to others who are seen at their private clinics.

374. The Montserrat Report on Vital Statistics prepared in 1990 by the Statistics Department* contains statistical information relating to the right to physical and mental health.

VIII. PITCAIRN

General

375. With a population of 49 (July 1990) and an area of approximately 4.5 sq. km., the small volcanic island of Pitcairn is the only permanently inhabited island in a group of islands in the South Pacific forming the Pitcairn Islands Group. The outer islands are Henderson, Oeno and Ducie. The first two of these are visited regularly by the Pitcairn Islanders.

376. A parliamentary form of government was adopted for Pitcairn in 1983. Responsibility for administration has varied over the years and is now regulated by the Pitcairn Order 1970. This provides for the islands to be administered by a Governor, who is the British High Commissioner in New Zealand. The Group is administered through the Commissioner in the Auckland Office of the British High Commission. Local affairs are run by an Island Council consisting of the Island Magistrate and nine members. The Island Council has stated that it does not wish to introduce any changes which would affect the nature of the relationship between the people of Pitcairn and the United Kingdom Government.

377. The Island Council has authority to enact rules in the nature of by-laws which must be notified to the Governor, who has the power of revocation or alteration. In practice, the Council rarely exercises its legislative function without prior consultation with the Governor and alterations are usually no more than technical in nature.

Article 10

Protection of the family

378. Part VII of the Justice Ordinance provides for the maintenance, care and custody of children, sick and aged persons and persons of unsound mind. The Adoption of Infants Ordinance generally supports the rights adumbrated in this

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* Available for consultation in the archives of the secretariat.

paragraph. Provision is made in the Marriage Ordinance ensuring the free consent of intending spouses. The enactment of the Pensions (Aged and Infirm Persons) (Amendment) Ordinance in 1983 resulted in the introduction of family benefit payments.

Maternity protection

379. Local employment rules make allowance for paid leave before and after childbirth. Widow's benefits were also introduced in 1983 as a result of the enactment of the Pensions (Aged and Infirm Persons) (Amendment) Ordinance. This benefit, and also family benefit, is designed to assist mothers with the maintenance of their children in the event of their husband's death.

Protection of children and young persons

380. Part VIII of the Justice Ordinance safeguards the rights of children outlined in this paragraph. There are no children under the age of 15 years employed in either part-time or full-time work.

Article 11

381. The rights covered by this article are fully recognized.

Right to adequate food

382. There is no hunger on Pitcairn. Agricultural advice and technical assistance relating to food production are freely available. Foodstuffs are imported from New Zealand by means of passing supply ships.

Right to adequate clothing

383. The circumstances of Pitcairn are such that there is adequate clothing for all and no need to enshrine this right in legislation.

Right to housing

384. In 1983 the Government introduced a subsidized building scheme under which building materials are made available for sale on Pitcairn at half the cost of purchase in New Zealand, the source of supply. All homes are owned by the occupants. In the case of damage to, or loss of, homes by fire, the Government may offer financial assistance in the form of low interest loans.

Article 12

385. Part II of the Local Government Regulations made under the Local Government Ordinance makes provision for the maintenance of health and of environmental hygiene and for the prevention and control of disease. There is a full-time resident nurse on Pitcairn and the Government arranges for a doctor to visit the Island for several months each year on an ad hoc basis. Any medical services not available on the Island are sought from off-Island sources. All on-Island medical and dental treatment is provided free of charge.

IX. ST. HELENA

General

386. St. Helena has a population of 7,162 (1990 estimate) and an area of approximately 121 sq. km.

387. The Territory of St. Helena (including its dependencies of Ascension and Tristan da Cunha) enjoys internal self-government under the St. Helena Constitution Order 1989. It is not an economically viable unit and is dependent on grants in aid by the United Kingdom Government. It has not expressed a wish for further constitutional change.

Article 10

Protection of the family

388. The term "family" has much the same meaning in St. Helena as in the United Kingdom.

389. The consent of a parent or guardian is required before any person under the age of 21 may marry, although application may be made to the Supreme Court where such consent is not forthcoming. Otherwise, all persons have the right to marry freely. For all other purposes, majority is attained as in the United Kingdom.

390. Housing remains a pressing social problem, although much has been done in an attempt to alleviate this. Please see below under article 11.

391. In 1988 the Overseas Development Administration of the United Kingdom engaged a specialist team from Coopers & Lybrand to review and make recommendations to improve the system of social security in St. Helena. The St. Helena Government accepted their recommendations and a new income-related benefit system came into operation in July 1989.

392. At the beginning of January 1992:

(i) 403 persons received income-related benefits varying from £16.70 to £34.00 per week;

(ii) 83 persons received unemployment benefits varying between £11.25 and £18.60 per week;

(iii) 54 persons received a handicap allowance of £7 per week.

393. Rent rebates are also payable in appropriate cases. In the calculation of tax, a variety of allowances is provided for. The current marriage allowance is £900. Child allowances are £300 for the first child, £200 for the second child and £75 for each subsequent child. All taxpayers receive a personal allowance of £1,200.

Maternity protection

394. Pre- and post-natal care are the responsibility of the Public Health Department. Virtually all expectant mothers regularly attend clinics. Post-natal care is available to all mothers. It includes regular home visits by community nurses and a baby clinic to help mothers with nutrition and general care of their babies.

395. Established female staff in the public service are entitled to confinement leave (12 weeks), with their employment being kept open for them at the end of such leave.

396. Grandparents still play a major role in caring for the children of working mothers, although there is a growing practice of paying child-minders.

397. Widows and other dependants may receive an entitlement under the provisions of the Widows and Children's Pensions Ordinance, 1967, or may be assisted by the Social Services Department.

Protection of children and young persons

398. Children separated from families are looked after in the Children's Home or by a suitable person authorized by the magistrates court. In either case the child is also under the supervision of the Chief Employment and Social Services Officer. The Children's Home can accommodate up to 24 children but, typically, in practice accommodates far fewer. There are seven children living there at present. It is comfortable, with all modern conveniences. The St. Helena Handicapped Persons Aid Society gives help to handicapped minors in special cases and the Public Health Department is responsible for the general care of handicapped persons. The Children and Young Persons Ordinance, 1965, provides for a Juvenile Court. There are provisions allowing offenders to be placed in the care of a suitable person and/or supervision by the Chief Employment and Social Services Officer.

399. The Children (Amendment) Ordinance, 1978 provides that children under the age of 15 shall not be employed on certain vessels; and the Health and Safety Ordinance, 1977 gives protection to employees, including children, in that a safe and healthy system at work must be provided for them. The Factories Ordinance, chapter 35, provides for all factories to be properly ventilated, machinery to be fenced where necessary and dangers to be remedied.

400. St. Helena complies with the relevant provisions of ILO Conventions Nos. 5, 7, 10, 15, 16, 58, 59, 77, 81, 90 and 124, which relate to conditions of employment of young persons. No statistics are available of children employed.

Article 11

General and specific measures for improving standards of living

401. Over the 10 years 1980/81-1989/90, St. Helena received £122 million of aid from the United Kingdom spread over the following four areas:

(i) Budgetary aid;

(ii) Shipping subsidy;

(iii) Development aid;

(iv) Technical cooperation.

402. A new cargo/passenger ship for the island was constructed and came into service in late 1990. A high proportion of development aid was spent on a range of infrastructural projects:

(i) Power station: a new power station with a generating capacity of 1,712 kW was built at Ruperts to replace the one at Jamestown, which could not be extended to cope with the increased demand for electricity.

(ii) Bulk fuel storage: this project provided all infrastructure for the importation of fuel in bulk. The capacity of this farm is:

Gas oil 707 metric tonnes;

Gasoline 408 metric tonnes.

(iii) New central school: the construction of a central school and upgrading of the education system to a three-tier system.

403. Improving the quantity and quality of local timber continued under forestry development projects. Pasture development continues with the assistance of development aid funds. Other small agricultural projects were implemented to help "small farmers" increase and improve their production. Substantial aid funds have also been provided to develop a commercial fisheries industry. This includes improved handling and processing techniques and greater storage capacity to cater for any developments in the export market. Five new catamaran boats were imported from the United Kingdom to provide greater flexibility for local fishermen to fish on the windwards side of the island. Improvements were made to the electrical distribution system, which was also extended to the rural areas: the majority of islanders now have access to electrical supply. Development of the water distribution system continued with the construction of more butyl lined reservoirs, improvements to tanks and pipes and the upgrading of the treated water supply. Most areas of the island now have treated water supply. Government landlord housing units were constructed to provide an improved living standard to persons in the lower-income bracket. The campaign to control rats was strengthened with a rodent control project which provided a pest control depot and facilities to improve the storage and mixing of warfarin and to monitor

the rodent problem on the island. Cable Wireless now operate both the domestic and international telecommunications service, which is fully digital, under a 21-year licence. A facsimile service is also available.

Right to adequate food

404. Farming and food production methods are currently under review, but with improved irrigation facilities and marketing practices there is a general improvement in the distribution of produce.

405. With the development of the commercial fisheries project the original (Jubilee) Cold Store is now becoming a dedicated storage for the use of traders in perishable foods.

406. The Agricultural Development Authority continues to produce fresh vegetables and meats, but the main producer and distributor is the private sector. St. Helena Growers plays an important role by providing a retail outlet service to its members from the private sector.

Right to adequate clothing

407. No problems arise in practice. Light clothing is adequate for most of the year. There is a small local tailoring industry and shops are also well stocked with imported items. The Social Services Department has a clothing store stocked with good quality second-hand clothing that can be distributed in hardship cases.

Right to adequate housing

408. There remains a shortage of housing. Although only six persons are actually categorized as "homeless" at the present time, it is acknowledged that a larger number live in overcrowded conditions. Most land for new residential development is released by the Crown, with quarter-acre plots being sold for £125. Those earning over £40 per week may apply to the Housing Assistance Board for a loan. The maximum loan is £12,000 and the rate of interest is 8 per cent. In practice, with 25 per cent of the island's work-force working off the island (mostly in Ascencion and the Falkland Islands), building expenses are often met or supplemented from off-shore earnings. Priority for government landlord houses is given to those earning less than £40 per week. Current building of new government landlord houses, at the rate of six a year, is not keeping pace with demand and costs are escalating. Probably, to satisfy the demand (partially caused by rising expectations), a realistic figure for the building of new government landlord houses would be 20 per year.

409. The Housing Assistance Board is also able to provide loans for home improvements.

Article 12

410. Public health generally is the responsibility of the Public Health Department supervised by the Senior Medical Officer. He is assisted by two other medical officers. The general state of health is good. The main causes of infant mortality are congenital abnormalities and prematurity. All deliveries are planned to take place in hospital and all deliveries are supervised by fully trained midwives. A district nurse is also available to visit those who cannot attend hospital. Infant mortality is approximately 24.4 per 1,000 live births.

411. There is one general hospital in Jamestown and there are six rural health centres at strategic sites in the island. The centres are regularly visited by doctors, a midwife and the district nurse. The general state of health of the islanders is good and their nutritional condition is generally satisfactory. Obvious nutritional deficiencies are very rarely seen. Dietary conditions remain satisfactory. The only endemic disease is chicken pox.

412. There are no pollution problems on St. Helena. Industrial hygiene is dealt with by the Factories Ordinance, which controls the design and construction of factories, and the Health and Safety Ordinance 1977, which covers health, safety and welfare of all islanders against risks arising out of industrial activities and also provides controls on the keeping and use of dangerous substances.

413. The Factories Ordinance provides for ventilation of factories, fencing of dangerous machinery, safe premises in which to work and procedures to monitor accidents. The Health and Safety Ordinance contains provisions securing the health, safety and welfare of persons at work. These provisions impose on every employer the obligation to ensure, so far as is reasonably practicable, that safe plant and systems of work are used, safe systems for handling, storage and transportation of goods are operated and that the places of work are safe and free of health risks.

414. The General Hospital staff is as follows:

1 Chief medical officer
2 Medical officers
1 Senior executive officer
1 Executive officer
4 Clerical staff
1 Senior nursing officer
1 Nursing officer
1 Nurse tutor
2 Junior nursing sisters
2 Senior staff nurses
1 Staff nurse
2 Paramedical assistants
41 Nurses, 7 trainees at present
Nursing assistants

Community nursing services

1 Nursing officer
Community nurses

Dispensary services

1 Senior dispenser
1 Assistant dispenser
2 Trainees

Physiotherapy services

1 Physiotherapist
1 Trainee physiotherapist

Environmental health services

1 Senior environmental health officer
1 Environmental health officer
2 Environmental health assistants

Laboratory services

1 Senior medical laboratory scientific officer
1 Medical laboratory scientific officer
2 Junior medical laboratory scientific officers

Dental services

1 Dental officer
2 Dental technicians
1 Dental hygienist
2 Dental surgery assistants

Sundale house

1 Nursing officer
2 Staff nurses
Nursing assistance

Handicapped services

1 Nursing officer
1 Junior nursing sister
Nursing assistants

415. Charges are made to patients for admission at a daily rate, and a small charge is made for blood tests, procedures and operations. The Dispensary charges 30p per item on the prescription - children under 12 and pensioners do not pay.

X. TURKS AND CAICOS ISLANDS

General

416. The Turks and Caicos Islands have a population of 11,465 (1990 census) and an area of approximately 500 sq. km.

417. The Turks and Caicos Islands enjoy internal self-government under the Constitution which came into force on 4 March 1988. This provides for an elected ministerial form of government with legislative and executive councils. While executive authority is vested in the Governor, he normally acts in accordance with the advice of the Executive Council.

Article 10

Protection of the family

418. The Fatal Accidents Ordinance 1970 is designed to compensate the families of persons killed by accidents.

419. The Bills of Health Ordinance is designed to protect the health of the family by requiring reports of any epidemic or contagious disease to be made to the Chief Medical Officer, who is expected to take the necessary preventive action.

420. The Married Women's Property Ordinance terminated an anachronistic discrimination by making married women as capable of holding property and of contracting as a femme sole.

421. The Registration (Births, Deaths and Marriages) Ordinance supplies an important adjunct to family life by providing for the registration of births, deaths and marriages.

422. The Intestates' Estates and Property Charges Ordinance provides for the distribution of estates and charges on property of deceased persons.

423. The Inheritance (Family Provisions) Ordinance also contains provisions regulating entitlements to the estates of deceased persons.

424. The Employees Accident Compensation Ordinance 1985 makes provision for compensation for employees in respect of injuries received or occupational diseases contracted in the course of employment and for compensation for dependants of employees whose deaths result from such injuries. The Ordinance repealed the Workmen's Compensation Law of Jamaica which was previously applied to the Islands. Its importance in relation to protection of the family is that in the absence of any social security legislation in the Islands it offers some protection to the worker and his family in the event of injury to or death of the worker.

425. The Mental Health (Protection of Property) Ordinance 1983 makes provision for the administration and protection of the property of persons who are incapable of managing their own affairs.

426. The Magistrate's Court (Domestic Proceedings) Ordinance 1985 provides for increased financial provision to be made for the support of either spouse, the children of the family and any illegitimate children.

427. The Marriage Ordinance guarantees the right of men and women to enter into marriage with their full and free consent.

428. The Pensions Ordinance provides for the payment of allowances to government employees. Employees who do not qualify to benefit under the pension scheme may receive assistance through the Social Welfare Department.

429. It is to be noted that no income tax is payable in the Turks and Caicos Islands.

Maternity protection

430. General Orders (which regulate the terms and conditions of employment of civil servants) provide for maternity leave with pay for persons employed by the Government. Women who are unable to provide proper care during the pregnancy or after childbirth may receive financial help through welfare grants.

431. The medical service of the Islands provides for medical, health and maternity care. Emergency cases in outlying Islands are evacuated by air to the central hospital, in Grand Turk, or, if they cannot be treated there, to Jamaica or the Bahamas.

432. General orders provide for special assistance before and after birth for female government employees, including leave with or without pay and guarantees against dismissal during the period of pregnancy.

433. The Pensions Ordinance makes provision for payments to dependants in the event of the death of a government employee as a result of injuries received or disease contracted in the discharge of his duties. Similar provision is made for dependants of other employees by the Employees Accident Compensation Ordinance 1985.

Protection of children and young persons

434. The Inheritance (Family Provisions) Ordinance as amended by the Law Reform (Illegitimacy) Ordinance 1978 provides for the inheritance of property by persons who are illegitimate and regardless of race or colour.

435. The Juveniles Ordinance makes provision for the care and protection of juveniles and for juvenile offenders.

436. The Juvenile Courts Ordinance provided for the establishment of a juvenile court to hear cases involving juveniles.

437. The Magistrate's Court (Domestic Proceedings) Ordinance 1985 has enabled support and protection to be provided not only for children in matrimonial homes but also for children born out of wedlock.

438. Measures directed to specially disadvantaged or delinquent children and young persons include assistance in placing children in the care of foster parents; sending persistent young offenders to a rehabilitatory establishment in Jamaica; and, in the case of handicapped children, the provision of special schools, one in Grand Turk and one in Providenciales, to cater for their needs.

439. The Juveniles Ordinance provides some protection for juveniles against cruelty to them. In a case where a child was exposed to abuse or neglect, the Social Welfare Department would assist by such means as the recommendation of foster homes or, eventually, of arrangements for adoption.

Article 11

440. A relevant enactment is the Minimum Wages Order 1980, which sets out minimum hourly payments to be made to persons employed in the Turks and Caicos Islands. There are also two public assistance programmes - the welfare benefits and the works programme - which are designed to provide at least a basic subsistence level income for the needy.

Right to adequate food

441. The Fisheries Protection Ordinance deals with marine life, the principal natural resource of the Islands.

442. An agricultural officer is employed by the Government to offer advice on agriculture, forestry and animal husbandry and on the best use of land.

443. The Public Health Ordinance contains provisions to prevent food adulteration or contamination in shops or wholesale stores. The Medical Officer of Health has powers to enforce adequate hygiene and quality in all shops selling food to the public.

444. Health clinics are provided on the Islands, staffed by qualified nurses who are able to give advice on, inter alia, nutrition and health protection measures.

Right to adequate clothing

445. An adequate supply of clothing is available from local shops. A few dressmakers and tailors exist locally, but most items of clothing are imported ready-made from the United States of America. The equable climate makes it unnecessary for a high proportion of income to be allocated to clothing.

446. Assistance with clothing may be provided by the Social Welfare Department for children in unfortunate home circumstances or victims of emergencies such as fire.

Right to housing

447. House building is done by private effort or by contractors, but planning permission has to be obtained from the Government.

448. The Executive Council has reduced the price of Crown land and extended the terms of conditional lease agreements in order to assist members of the local population.

449. Private building contractors in the Islands have usually gained experience in the Bahamas and the United States of America and achieve a high standard of housing construction.

450. An extensive programme for improving water supplies and sanitary conditions in the Islands has been undertaken with funds provided by the British Development Division for the Caribbean.

451. The Registered Land Ordinance contains provisions for legal protection of tenants.

Article 12

452. The Disabled Persons Ordinance 1989 makes provision for the protection of disabled persons. In the absence of a mental health institution in the Islands, mental patients are sent to the mental hospital in Nassau, the Bahamas. The Social Welfare Department is recruiting a psychiatric social worker to assist with case work in the Islands.

453. Regular clinics are conducted for pregnant women and there is a maternity unit at the government hospital in Grand Turk. There is also a well-equipped private clinic with maternity facilities in Providenciales.

454. There are vaccination programmes for the prevention, treatment and control of epidemics and of endemic and other diseases, in urban and rural areas.

455. In cases of serious illness which cannot be treated by the local health services, patients are sent at government expense to Nassau or to Jamaica.

456. The hospital in Grand Turk and the clinics provide medical care on payment of small sums to assist in financing the cost involved.

457. Six fully qualified doctors are employed by the Government - that is, approximately one for every 1,900 inhabitants. In addition, several fully-qualified doctors are employed by the two private clinics in Providenciales. There are also two fully-qualified doctors in private practice in Providenciales.

458. Infant mortality is low. Most mothers give birth in hospital in the Islands, in Nassau or in Miami, Florida.

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